

AGREEMENT

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

THE ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT AND THE GOVERNMENT OF THE RUSSIAN FEDERATION,

TAKING INTO ACCOUNT the provisions of the Convention on the Organisation for Economic Co-operation and Development of 14 December 1960, and

BEARING IN MIND the provisions of the Declaration on Co-operation between the Russian Federation and the Organisation for Economic Co-operation and Development,

HAVE AGREED as follows:

ARTICLE 1 – DEFINITIONS

For the purposes of this Agreement, the terms listed below shall have the following meaning:

- a) **Government** means the Government of the Russian Federation;
- b) **Organisation** means the Organisation for Economic Cooperation and Development, including the International Energy Agency;
- c) **officials** means staff members and consultants of the Organisation, including staff members and consultants employed by the Organisation who are residents of the Russian Federation;
- d) **residents of the Russian Federation** means any person who permanently resided in the Russian Federation immediately prior to his/her employment with the Organisation;

e) **experts** means persons other than those mentioned in paragraph c) of this Article, who are especially appointed by the Organisation to carry out official missions for the Organisation;

f) **premises of the Organisation** means buildings or parts thereof, used for official purposes of the Organisation;

g) **property of the Organisation** means all its assets wherever located and by whomsoever held, including monies, profits and titles which belong to the Organisation or which are administered or managed by the Organisation or on its behalf;

h) **archives of the Organisation** means all records, mail, documents and other material, including tapes and films, sound recordings, computer software and written material and tapes and discs containing data belonging or held by the Organisation;

i) **Member States** means countries or other entities which are members of the Organisation;

j) **observers** means countries that are not Member States or intergovernmental organisations which have received an invitation from the Organisation to participate in a meeting convened by the Organisation;

k) **representative** means all delegates, alternate delegates, advisers, technical experts and secretaries of delegations.

ARTICLE 2 - INTERNATIONAL STATUS OF THE ORGANISATION

The Organisation is recognised by the Russian Federation as an intergovernmental organisation.

ARTICLE 3 - LEGAL PERSONALITY OF THE ORGANISATION

The Organisation shall fully enjoy in the territory of the Russian Federation the capacity of a legal person, including, **inter alia**, the right to:

- conclude contracts,
- acquire and dispose of movable and immovable property,
- institute legal proceedings,
- receive, keep, transfer and administer any resources, currencies of any kind and securities which it might need to carry out its purpose and functions, as well as to have bank accounts, on conditions not less favourable than those accorded to any other intergovernmental organisation.

ARTICLE 4 - IMMUNITY FROM LEGAL PROCESS

1. Subject to the provisions of paragraph 2 of this Article, 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. For any measure of execution a separate waiver of immunity shall be required.

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 5 - INVIOLABILITY OF PROPERTY

The property of the Organisation, wherever located and by whomsoever held, shall not be searched, seized, confiscated, expropriated or otherwise interfered with whether by administrative, judicial or legislative action.

ARTICLE 6 - INVIOLABILITY OF PREMISES

1. The premises of the Organisation shall be inviolable. The representatives of the authorities of the Russian Federation do not enjoy the right to enter into the premises of the Organisation unless this has been permitted by the Secretary-General of the Organisation or an authorized official acting on his behalf. Such permission, may, however, be presumed in case of fire or other similar emergencies, requiring immediate remedial action. Any person who enters the premises proceeding from the presumed permission shall immediately leave the premises upon the request of the Secretary-General or an authorised official acting on his behalf.

2. Service of a writ of summons in the premises of the Organisation may take place only with the consent of the Secretary-General of the Organisation or an authorised official acting on his behalf.

ARTICLE 7 - INVIOLABILITY OF ARCHIVES

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

ARTICLE 8 - EXEMPTION FROM TAXES AND DUTIES

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

- a) all direct taxes and charges, both federal and local, except for payments for public and other utilities;
- b) customs duties, prohibitions or restrictions in respect of import or export of goods intended for official use and of publications, on the understanding that imported goods will not be sold in the Russian Federation, except under conditions agreed with the Government.

2. 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 such duties and taxes have been charged or are chargeable, the Government will make appropriate administrative arrangements for the remission or return of the amount of duty or tax.

ARTICLE 9 - PRIVILEGES IN RESPECT OF COMMUNICATION

The Organisation shall enjoy in the territory of the Russian Federation, a treatment not less favourable than that accorded by the Russian Federation to any other intergovernmental organisation with a similar status in the Russian Federation in respect 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 10 - PRIVILEGES AND IMMUNITIES OF REPRESENTATIVES OF MEMBER STATES AND OBSERVERS

1. Representatives of Member States and Observers accredited to the Organisation or to an international conference convened by the Organisation shall, while exercising their functions in the territory of the Russian Federation and during their journey to and from the place of meeting, enjoy the privileges, immunities and facilities normally enjoyed by official representatives of comparable rank.

2. Privileges, immunities and facilities are accorded to the representatives of Member States and observers not for the personal benefit of the individuals concerned, but in order to safeguard their functions in connection with the Organisation. Consequently, a Member or observer shall have not only the right but the duty to waive the immunity of its representative in any case where, in the opinion of the Member or Observer, 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 11 - PRIVILEGES AND IMMUNITIES OF OFFICIALS AND EXPERTS

1. Officials shall enjoy the following privileges and immunities:

- a) immunity from legal process for all words spoken or written by them and all acts performed in their official capacity, excluding civil liability for damages arising from a road traffic accident caused by them;
- b) exemption, for them and their families, from any restrictions on entry or registration as foreigners;
- c) exemption from taxes on salary or remuneration paid by the Organisation;
- d) inviolability of all official papers and documents;
- e) the same privileges and facilities regarding currency exchange that are granted to diplomatic agents of comparable rank accredited to the Russian Federation;
- f) together with their spouses and members of their families, the same benefits in respect of repatriation in cases of international crises as members of diplomatic missions;
- g) duty free import of furniture and house-hold effects upon the first taking of the office;
- h) exemption from the effect of any social insurance regulations in force in the Russian Federation.

2. The provisions of subparagraphs b), c), e), f), g) and h) of paragraph 1 shall not be applicable to officials who are residents of the Russian Federation.

3. Experts shall enjoy the following privileges and immunities:

- a) immunity from legal process for all words spoken or written by them or any actions performed by them in the course of carrying out their official duties, excluding civil liability for damages arising from a road traffic accident caused by them;
- b) exemption, for them and their families, from any restrictions on entry or registration as foreigners;
- c) exemption from taxes on salary or remuneration paid by the Organisation;
- d) inviolability of all official papers and documents;
- e) together with their spouses and members of their families, the same benefits in respect of repatriation in cases of international crises as members of diplomatic missions.

4. The provisions of subparagraphs b), c) and e) of paragraph 3 shall not be applicable to experts who are residents of the Russian Federation.

ARTICLE 12 - PRIVILEGES AND IMMUNITIES OF THE SECRETARY-GENERAL AND OF THE DEPUTY AND ASSISTANT SECRETARIES-GENERAL

The Secretary-General of the Organisation shall enjoy privileges, immunities and benefits granted to the heads of diplomatic missions accredited to the Russian Federation. The Deputy and Assistant Secretaries-General shall enjoy privileges, immunities and benefits granted to diplomatic agents of comparable rank.

ARTICLE 13 - FREEDOM OF MOVEMENT

1. The Government shall take all measures, in the framework of the legislation of the Russian Federation, required to facilitate entry to, staying in, and exit from the territory of the Russian Federation, as well as freedom of movement of the representatives of Member States and observers, officials and experts of the Organisation or any other person invited by the Organisation for official purposes.

2. No less favourable treatment shall be granted to the persons referred to in paragraph 1 of this Article with respect to visa facilities than that accorded to representatives and staff members of any other intergovernmental organisation in the Russian Federation.

ARTICLE 14 - SCOPE OF PRIVILEGES AND IMMUNITIES

1. Privileges and immunities specified by the present agreement are granted in the interest of the Organisation and not for the sake of personal profit of those who enjoy them. The Organisation and all persons enjoying such privileges and immunities shall undertake to respect the laws and regulations of the Russian Federation.

2. The Secretary-General of the Organisation, bearing in mind its interests, shall have the right and duty to waive the immunity of officials and experts in any case where, in his opinion, the immunity will impede the administration of justice.

ARTICLE 15 - CO-OPERATION

The Organisation shall assist the competent authorities of the Russian Federation in order to facilitate the proper administration of justice and to prevent any abuse of privileges or immunities granted under the present Agreement.

ARTICLE 16 - SETTLEMENT OF DISPUTES

1. The Parties shall attempt to settle any dispute as to the interpretation or application of this Agreement by negotiations before seeking arbitration. If the dispute is not settled through negotiations, it shall, at the request of either party, be referred to arbitration. Negotiations shall be deemed to have been exhausted if the Parties fail to reach a settlement within a period of sixty days from the request by either party to enter into negotiations.

2. 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 award by the tribunal shall be final and binding on both parties and shall apply the principles and rules of international law.

ARTICLE 17 - ENTRY INTO FORCE, RENEWAL AND TERMINATION

1. The present Agreement shall be applied provisionally from the date of its signature.

2. The 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.

3. It shall remain in force for an initial period of five years and may thereafter be tacitly renewed for successive five year periods unless a contrary intention is notified in writing by one party to the other no later than sixty days before the expiry of a five year period.

4. Notwithstanding the provisions of paragraph 3, the Agreement may be terminated at any time by either party by written notice of termination which will take effect not earlier than one year after the notice.

DONE in PARIS, this 8th day of June, Nineteen Hundred and Ninety-Four, in two originals, each in English, French and Russian, the three texts being equally authentic.

FOR THE GOVERNMENT OF THE RUSSIAN FEDERATION:

A. KOZYREV
Minister of Foreign Affairs

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

J. C. PAYE
Secretary-General

D. SPRING
Chairman of the Council at Ministerial level