

No. 8540

**AUSTRIA
and
ORGANIZATION OF THE PETROLEUM
EXPORTING COUNTRIES**

**Agreement regarding the headquarters of the
Organization of the Petroleum Exporting Countries.
Signed at Vienna, on 24 June 1965**

Official texts : German and English.

Registered by Austria on 3 February 1967.

**AUTRICHE
et
ORGANISATION DES PAYS EXPORTATEURS
DE PÉTROLE**

**Accord relatif au siège de l'Organisation des pays
exportateurs de pétrole. Signé à Vienne, le 24 juin 1965**

Textes officiels allemand et anglais.

Enregistré par l'Autriche le 3 février 1967.

No. 8540. AGREEMENT¹ BETWEEN THE REPUBLIC OF AUSTRIA AND THE ORGANIZATION OF THE PETROLEUM EXPORTING COUNTRIES REGARDING THE HEADQUARTERS OF THE ORGANIZATION OF THE PETROLEUM EXPORTING COUNTRIES. SIGNED AT VIENNA, ON 24 JUNE 1965

The Republic of Austria and the Organization of the Petroleum Exporting Countries, desiring to conclude an agreement to establish the seat of the Organization of the Petroleum Exporting Countries in the City of Vienna and to regulate questions arising as a result thereof, have agreed as follows :

Article 1

When used in this Agreement,

- (a) "OPEC" means the Organization of the Petroleum Exporting Countries ;
- (b) "The Government" means the Federal Government of the Republic of Austria ;
- (c) "Secretary General" means the Secretary General of OPEC or any officer designated to act on his behalf ;
- (d) "Member Country" means a State which is a member of OPEC ;
- (e) "Governor" means a member of the Board of Governors of OPEC, as defined in the Statute of OPEC ;
- (f) "Representatives of Member Countries" means accredited representatives of Member Countries and members of their delegations, but does not include administrative and technical or other auxiliary staff ;
- (g) "Meeting convened by OPEC" means any meeting of the Conference of OPEC or of the Board of Governors of OPEC, or any international conferences or other gatherings convened by OPEC or under its sponsorship ;
- (h) "Archives of OPEC" means records and correspondence, documents, manuscripts, still and moving pictures, films and sound recordings belonging to or held by OPEC ;

¹ Came into force on 30 December 1965, upon an exchange of notes between the Organization of the Petroleum Exporting Countries and the Austrian Government, in accordance with article 27.

- (i) “ Officials of OPEC ” means the Secretary General and all members of the staff of OPEC, except those who are locally recruited or on temporary employment ;
- (j) “ Property ” means all property, including funds and other assets, belonging to OPEC or held or administrated by OPEC in furtherance of its statutory functions and all income of OPEC; and
- (k) “ Headquarters ” means the headquarters area with the building or buildings upon it, as defined in a supplemental agreement between the Government and OPEC, and, as the case may be, any other land or building which may from time to time be included, temporarily or permanently, therein in accordance with the provisions of Article 2 (2).

Article 2

(1) The permanent headquarters of OPEC, as approved by Resolution of the Conference of OPEC and as defined in the supplemental agreement between the Government and OPEC referred to in Article 1 (k), shall be in the headquarters seat.

(2) Any building outside the headquarters seat which is used with the concurrence of the Government for meetings convened by OPEC shall be temporarily included in the headquarters seat.

Article 3

(1) The Government recognizes the extraterritoriality of the headquarters seat, which shall be under the control and authority of OPEC as provided in this Agreement.

(2) Except as otherwise provided in this Agreement, the laws of the Republic of Austria shall apply within the headquarters seat.

(3) Except as otherwise provided in this Agreement, the courts or other appropriate organs of the Republic of Austria shall have jurisdiction, as provided in applicable laws, over acts done and transactions taking place in the headquarters seat.

(4) The headquarters seat shall be inviolable. No officer or official of the Republic of Austria, or other person exercising any public authority within the Republic of Austria, shall enter the headquarters seat to perform any duties therein except with the consent of, and under conditions approved by, the Secretary General. The consent of the Secretary General may, however, be assumed in case of fire or other disaster requiring prompt protective action.

(5) The service of legal process, including the seizure of private property, shall not take place within the headquarters seat except with the express consent of, and under conditions approved by, the Secretary General.

Article 4

The Government recognizes the juridical personality of OPEC and, in particular, its capacity :

- (a) To contract ;
- (b) To acquire and dispose of movable and immovable property ; and
- (c) To institute legal proceedings.

Article 5

The Government recognizes the right of OPEC to convene meetings within the headquarters seat or, with the concurrence of the Government, elsewhere in the Republic of Austria.

Article 6

OPEC and its property, wherever located and by whomsoever held, shall enjoy immunity from every form of legal process except in so far as in any particular case OPEC shall have expressly waived its immunity. It is, however, understood that no waiver of immunity shall extend to any measure of execution.

Article 7

The property of OPEC, wherever located and by whomsoever held, shall enjoy immunity from search, requisition, confiscation, expropriation and any other form of interference, whether by executive, administrative, judicial or legislative action.

Article 8

The archives of OPEC shall be inviolable wherever located.

Article 9

(1) OPEC and its property shall, in principle, be exempt from all forms of taxation, provided, however, that such tax exemption shall not extend to taxes which are in fact no more than charges for public utility services. Moreover, OPEC shall not enjoy the tax exemption in respect of any activity not directly related to the realisation of the aims of the Organization.

(2) Articles imported or exported by OPEC for its official purposes shall be exempt from customs duties and other levies, economic prohibitions and economic restrictions on imports and exports ; it is understood, however, that articles imported in accordance with this paragraph shall not be sold by OPEC in the Republic of Austria except under conditions agreed upon with the Government.

Article 10

OPEC shall enjoy, as far as may be compatible with any international conventions, regulations and arrangements to which the Government is a party, for its official communications, treatment not less favourable than that accorded by the Government to any other organization or government, including diplomatic missions of such other government, in the matter of priorities and rates for mails, cables, telegrams, radiograms, telephotos, television, telephone and other communications, and press rates for information to press and radio.

Article 11

(1) All official communications directed to OPEC, or to any of its officials at the headquarters seat, and all outward official communications of OPEC, by whatever means or in whatever form transmitted, shall be immune from censorship and from any other form of interception or interference with their privacy.

(2) OPEC shall have the right to use codes and to dispatch and receive correspondence and other official communications by courier or in sealed bags, which shall have the same privileges and immunities as diplomatic couriers and bags. If, however, the competent authorities of the Republic of Austria have serious reason to believe that the bag contains something other than correspondence and official communications dispatched by, or directed to OPEC, they may request that the bag be opened in their presence by an authorized representative of OPEC. If this request is refused by OPEC, the bag shall be returned to its place of origin.

Article 12

(1) Without being subject to any controls or regulations of any kind, OPEC may freely for official purposes :

a) Purchase any currencies through authorized channels and hold and dispose of them ;

- (b) Operate accounts in any currency ;
- (c) Purchase through authorized channels, hold and dispose of funds and securities ; and
- (d) Transfer its funds, securities and currencies to or from the Republic of Austria, to or from any other country, or within the Republic of Austria.

(2) The provisions of paragraph 1 shall not apply to amounts in Austrian currency, which are subject to the Austrian regulations concerning blocked accounts, nor shall they affect any international payments agreements of the Republic of Austria which are in force.

Article 13

Any pension fund or provident fund established by or conducted under the authority of OPEC shall enjoy legal capacity in the Republic of Austria if OPEC so requests, and shall enjoy the same exemptions, immunities and privileges as OPEC itself.

Article 14

OPEC shall be exempt from all compulsory contributions to, and officials of OPEC shall not be required by the Government to participate in, any social security scheme of the Republic of Austria.

Article 15

The Government shall make such provision as may be necessary to enable any official of OPEC who is not afforded social security coverage by OPEC to participate, if OPEC so requests, in any social security scheme of the Republic of Austria. OPEC shall, insofar as possible, arrange, under conditions to be agreed upon, for the participation in the Austrian social security system of those locally recruited or temporarily employed members of its staff to whom it does not grant social security protection at least equivalent to that offered under Austrian law.

Article 16

(1) The Government shall take all necessary measures to facilitate the entry into, and sojourn in Austrian territory and shall place no impediment in the way of the departure from Austrian territory of the persons listed below, shall ensure that no impediment is placed in the way of their transit to or from the headquarters seat and shall afford them any necessary protection in transit :

- (a) Representatives of Member Countries and their families ;
- (b) Governors and their families ;
- (c) Officials of OPEC, their families and other members of their households ;
- (d) Persons, other than officials of OPEC, performing missions authorized by OPEC or serving on specialized organs of OPEC, working parties or other subsidiary bodies of OPEC, and their spouses ;
- (e) Representatives of States which are not Members of OPEC who are sent as observers, in accordance with rules adopted by OPEC, to meetings convened by OPEC ; and
- (f) Representatives of other organizations or other persons invited by OPEC to the headquarters seat on official business.

(2) Visas which may be required by persons referred to in this Article shall be granted as promptly as possible.

Article 17

Representatives of Member Countries, Governors and representatives of States which are not Members of OPEC who are sent as observers, in accordance with rules adopted by OPEC, to meetings convened by OPEC shall, without prejudice to any other privileges and immunities which they may enjoy while exercising their functions and during their journeys to and from the headquarters seat, enjoy within and with respect to the Republic of Austria, the following privileges and immunities :

- (a) Immunity in respect to themselves, their spouses and dependent children from personal arrest or detention and from seizure of their personal baggage ;
- (b) Immunity from legal process of any kind in respect of words spoken or written, and of all acts done by them, in the performance of their official function, such immunity to continue notwithstanding that the persons may no longer be engaged in the performance of such functions ;
- (c) Inviolability of all papers and documents ;
- (d) The right to use codes and to dispatch or receive papers and correspondence by courier or in sealed bags ;
- (e) Exemption, in respect of themselves, their spouses and dependent children from immigration restrictions, alien registration and national service obligations ;

- (f) The same privileges with respect to currency and exchange restrictions as the Government accords to representatives of foreign Governments on temporary official missions ; and
- (g) The same immunities and facilities with respect to their personal and official baggage as the Government accords to members, having comparable rank, of diplomatic missions in the Republic of Austria.

Article 18

The privileges and immunities accorded by Article 17 are conferred, not for the personal benefit of the individuals themselves, but in order to safeguard the independent exercise of their functions in connexion with OPEC. Consequently, it is incumbent upon a Member Country as well as upon any State sending observers to waive the immunity of any of its representatives or of the Governor nominated by the respective State, in any case where, in the judgment of the Member Country, the immunity would impede the course of justice and where it can be waived without prejudice to the purposes for which it was accorded.

Article 19

Officials of OPEC shall enjoy within and with respect to the Republic of Austria the following privileges and immunities :

- (a) Immunity from legal process of any kind in respect of words spoken or written, and of acts performed by them, in their official capacity ; such immunity to continue notwithstanding that the persons concerned may have ceased to be officials of OPEC ;
- (b) Exemption from taxation in respect of the salaries, emoluments and indemnities paid to them by OPEC ;
- (c) Exemption in respect of themselves, their spouses, their dependent relatives and other members of their households, from immigration restriction and alien registration ;
- (d) The same privileges in respect of exchange facilities as are accorded to members, having comparable rank, of diplomatic missions in the Republic of Austria ;
- (e) The same protection and repatriation facilities with respect to themselves, their spouses, their dependent relatives and other members of their households as are accorded in time of international crisis to members, having comparable rank, of diplomatic missions accredited to the Republic of Austria ;

- (f) The right to import for personal use, free of customs duties and other levies, economic prohibitions and economic restrictions on imports, at the time of first installation, their furniture and effects including two cars, in one or more separate shipments. However, customs duties are to be paid if articles imported in accordance with this sub-paragraph are sold in the Republic of Austria within a period of two years for cars and of one year for all other articles, the lapse of time being counted from the date of importation.

Article 20

In addition to the privileges and immunities specified in Article 19 :

- (a) The Secretary General as well as the Deputy Secretary General when acting on behalf of the Secretary General during his absence from duty, shall be accorded in respect of himself, his spouse and his dependent children the privileges and immunities, exemptions and facilities of diplomatic envoys, their spouses and dependent children, in accordance with international law.
- (b) The Deputy Secretary General and the Chiefs of the Departments shall be accorded in respect of themselves, their spouses and their dependent children the privileges and immunities, exemptions and facilities of members of the diplomatic staff of diplomatic missions, their spouses and their dependent children.

Article 21

(1) Persons, other than officials of OPEC, performing missions authorized by OPEC or serving on specialized organs of OPEC, working parties or other subsidiary bodies of OPEC and representatives of other organizations or other persons invited by OPEC to the headquarters seat on official business shall, without prejudice to any other privileges and immunities which they may enjoy for other reasons, enjoy immunity from legal process of any kind in respect of words spoken or written, and of acts performed by them in direct connexion with their official business.

(2) They shall further enjoy the same protection and repatriation facilities with respect to themselves, their spouses, their dependent relatives

and other members of their households as are accorded in time of international crisis to members, having comparable rank, of diplomatic missions accredited to the Republic of Austria.

(3) Where the incidence of any form of taxation depends upon residence, periods during which the persons referred to in paragraph 1 may be present in the Republic of Austria for the discharge of their duties shall not be considered as periods of residence.

Article 22

(1) The privileges and immunities accorded by Articles 19, 20 and 21 are conferred in the interests of OPEC and not for the personal benefit of the individuals themselves. Consequently, it is incumbent upon the Organization to waive the immunity of any of its officials or of any person covered by the provision of Article 21 in all cases where the immunity impedes the course of justice and where it can be waived without prejudice to the interest of OPEC. In any case where these privileges and immunities arise, the official or other person involved shall immediately report to the Secretary General, who shall decide, in consultation, where appropriate, with the Board of Governors, whether they shall be waived. In the case of the Secretary General, the Board of Governors shall have the right to waive immunities.

(2) OPEC and its officials shall co-operate at all times with the appropriate Austrian authorities to facilitate the prompt execution of the laws of the Republic of Austria and to prevent the occurrences of any abuses in connexion with the privileges and immunities accorded by this Agreement.

Article 23

This Agreement shall not apply to persons of Austrian nationality or persons with permanent residence in the Republic of Austria.

Article 24

(1) OPEC shall communicate to the Government a list of persons within the scope of Articles 17, 19 and 21 and shall revise such list from time to time as may be necessary.

(2) The Government shall furnish persons within the scope of said Articles with an identity card bearing the photograph of the holder. This card shall serve to identify the holder in relation to all Austrian authorities.

Article 25

The Secretary General shall take every precaution to ensure that no abuse of a privilege or immunity conferred by this Agreement shall occur. Should the Government consider that abuse of a privilege or immunity conferred by this Agreement has occurred, the Secretary General shall upon request, consult with the Federal Minister of Foreign Affairs of the Republic of Austria to determine whether any such abuse has occurred. If such consultations fail to achieve within a reasonable time a result satisfactory to the Secretary General and to the Government, the matter may be referred by either party for final decision to a tribunal of three arbitrators: one to be chosen by the Secretary General, one to be chosen by the Federal Minister of Foreign Affairs of the Republic of Austria and the third, who shall be chairman of the tribunal, to be chosen by the first two arbitrators. If the tribunal is not constituted within three months from the date of the request made for the submission of the dispute to 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 OPEC or the Government.

Article 26

Any dispute which may arise between OPEC and the Government as to the interpretation or application of this Agreement, shall, at the request of either of them, be referred to arbitration. The arbitration tribunal shall consist of three arbitrators: one to be chosen by the Secretary General, one to be chosen by the Federal Minister of Foreign Affairs of the Republic of Austria and the third, who shall be chairman of the tribunal, to be chosen by the first two arbitrators. If the tribunal is not constituted within six months from the date of the request made for the submission of the dispute to 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 OPEC or the Government.

Article 27

(1) This Agreement shall enter into force upon an exchange of notes between the Secretary General duly authorized thereto by Resolution of the Conference of OPEC and the Federal Minister of Foreign Affairs of the Republic of Austria.

(2) Consultations with respect to modification of this Agreement shall

be entered into at the request of OPEC or the Government. Any such modification shall be by mutual consent.

(3) This Agreement shall be construed in the light of its primary purpose of enabling OPEC at its headquarters in the Republic of Austria fully and efficiently to discharge its responsibilities and fulfill its purposes.

IN WITNESS THEREOF, the respective representatives of the Republic of Austria and of the Organization of the Petroleum Exporting Countries have signed this Agreement.

DONE in duplicate in Vienna, this day of June 24 of 1965, in the German and English languages, both texts being equally authoritative.

For the Republic of Austria :

KREISKY

For the Organization of the Petroleum Exporting Countries :

Ashraf LUTFI
