

No. 21888

MULTILATERAL

Convention concerning the legal status, privileges and immunities of inter-State economic organizations active in certain spheres of co-operation. Concluded at Budapest on 5 December 1980

Authentic text: Russian.

Registered by the Council for Mutual Economic Assistance on 3 May 1983.

MULTILATÉRAL

Convention relative au statut légal et aux privilèges et immunités des organisations économiques inter-États actives dans certains domaines de coopération. Conclue à Budapest le 5 décembre 1980

Texte authentique : russe.

Enregistrée par le Conseil d'assistance économique mutuelle le 3 mai 1983.

[TRANSLATION — TRADUCTION]

CONVENTION¹ CONCERNING THE LEGAL STATUS, PRIVILEGES AND IMMUNITIES OF INTER-STATE ECONOMIC ORGANIZATIONS ACTIVE IN CERTAIN SPHERES OF CO-OPERATION

The States parties to this Convention,

Desiring to contribute to the development of the activities of inter-State economic organizations active in certain spheres of co-operation, and thus to promote the strengthening of friendly relations among member States of these organizations,

Have agreed as follows:

I. INTRODUCTION

Article I. USE OF TERMS

In this Convention:

(a) "Inter-State economic organization active in certain spheres of co-operation" (hereinafter called "the Organization") shall mean an international organization whose members are States and which is established on the basis of an international agreement for the co-ordination of the activities of its members concerning co-operation and joint efforts in certain spheres of economics, science and technology;

(b) "Receiving State" shall mean the State in the territory of which the Organization or a body of the Organization has its seat or meetings of its body are convened;

(c) "Premises of the Organization" shall mean any building or part of a building, including a plot of land attached to that building or part of building, used by the Organization with the consent of the receiving State;

(d) "Representative body" shall mean a body of the Organization consisting of representatives of member States;

¹ Came into force on 17 July 1982, i.e., the sixtieth day after the deposit with the Secretariat of the Council for Mutual Economic Assistance of the sixth instrument of ratification or accession, in accordance with article XX (1):

<i>State</i>	<i>Date of deposit of the instrument of ratification</i>	<i>State</i>	<i>Date of deposit of the instrument of ratification</i>
Bulgaria	2 April 1981	Mongolia	6 May 1981
German Democratic Republic	1 June 1981	Union of Soviet Socialist Republics	8 July 1981
Hungary	19 May 1982	Viet Nam	17 August 1981

Subsequently, the Convention came into force for the following States on the sixtieth day after the deposit with the Secretariat of the Council for Mutual Economic Assistance of their instrument of ratification or accession, in accordance with article XX (2):

<i>State</i>	<i>Date of deposit of the instrument of ratification</i>
Poland	14 January 1983
(With effect from 14 March 1983.)	
Cuba	21 March 1983
(With effect from 19 May 1983.)	

(e) "Representatives of States" shall mean representatives of member States to representative bodies of the Organization, members of delegations sent by member States of the Organization to meetings of those bodies, and also observers;

(f) "Officials" shall mean staff members of the Organization who, by decision of its representative body, have been included in the category of officials and appear in the list of those persons communicated by the Organization to the States in which the Organization and its bodies have their seat, and also to other member States of the Organization;

(g) "Chief officer of the Organization" shall mean the director of the administrative and executive body of the Organization, appointed by its representative body, and accredited in accordance with the constituent instruments of the Organization;

(h) "Observers" shall mean representatives of States which are not members of the Organization who participate, at the invitation of the Organization, in meetings of its bodies and also in assemblies and conferences convened by the Organization.

Article II. SPHERE OF APPLICATION

This Convention shall apply to organizations:

- (a) Of which all the members are States parties to this Convention, or
- (b) Of which all member States take a decision to that effect, or
- (c) Of which the constituent instruments provide for the application of this Convention to the organization concerned.

II. THE ORGANIZATION

Article III. INTERNATIONAL JURIDICAL PERSONALITY OF THE ORGANIZATION

In implementing the provisions of article II, States parties shall bear in mind that, in accordance with this Convention, the privileges and immunities envisaged therein shall be accorded to organizations which have international legal personality deriving from the provisions of their constituent instruments as a whole, and which in this capacity may, in accordance with those instruments and with decisions of their authorized representative bodies, conclude international agreements and participate in international relations to the extent necessary for the fulfilment of their goals and functions.

Article IV. INTRA-STATE JURIDICAL PERSONALITY OF THE ORGANIZATION

1. The Organization shall be recognized as a legal entity.
2. The Organization shall have the legal capacity necessary for the performance of the functions entrusted to it and, in particular, may:
 - (a) Enter into agreements;
 - (b) Acquire, lease and alienate property;
 - (c) Appear in court.

Article V. INVIOIABILITY OF PREMISES, ARCHIVES AND DOCUMENTS

The premises of the Organization, and also the archives and documents of the Organization, including official correspondence, wherever located, shall be inviolable.

Article VI. IMMUNITY FROM JURISDICTION

The property and assets of the Organization shall enjoy immunity from any form of administrative and legal process, except in cases where the Organization itself waives immunity.

Article VII. EXEMPTION FROM TAXES AND DUTIES

1. The Organization and the premises occupied by it shall be exempt from direct taxes and other compulsory payments and duties similar to taxes levied either by State or by local authorities, with the exception of charges for public utility and similar types of services.

2. The Organization shall be exempt from customs duties and restrictions in respect of the import or export of articles intended for official use.

Article VIII. EXEMPTION FROM FINANCIAL CONTROL

The financial activity of the Organization shall not be subject to control by the central or local authorities of the receiving State.

Article IX. PRIVILEGES IN RESPECT OF COMMUNICATIONS

The Organization shall enjoy, in the territories of each member State of the Organization, treatment not less favourable than that enjoyed by diplomatic missions in those States in the matter of priorities, rates and taxes on post, cable and telephone communications.

Article X. PRINTED MATTER

Subject to compliance with the legislation in force in the State in which the Organization has its seat, the Organization is entitled in accordance with its purposes and functions to issue and disseminate printed matter, the publication of which is envisaged in the constituent instruments of the Organization or in the decisions of its authorized representative body.

III. REPRESENTATIVES OF STATES

Article XI. PRIVILEGES AND IMMUNITIES

1. Representatives of States shall enjoy:

- (a) Immunity from personal arrest or detention, and also from the jurisdiction of judicial and administrative institutions in respect of all acts performed by them in their capacity as representatives;
- (b) Inviolability in respect of official correspondence and documents;
- (c) Exemption from customs duties and fees (with the exception of storage and cartage fees) on articles intended for their personal use or for the official use of delegations of States;
- (d) Exemption from customs inspection of personal baggage, unless there are serious grounds for presuming that the baggage contains articles, the import

or export of which is prohibited or controlled by the quarantine regulations of the relevant State party to the Convention;

- (e) Exemption from direct taxes and duties on salaries paid to them by the State which they represent;
- (f) Exemption from personal service obligations.

2. The provisions of subparagraphs (e) and (f) of paragraph 1 of this article shall apply to members of the family of a representative accompanying him, provided that they are not nationals of the relevant State party to this Convention and do not reside permanently in that State.

3. Representatives of States in the main representative body of the Organization, in addition to the privileges and immunities specified in paragraph 1 of this article, shall enjoy the privileges and immunities accorded in that State to diplomatic representatives.

4. The provisions of paragraphs 1 and 3 of this article shall not apply to relations between State bodies and representatives of that State.

Article XII. WAIVER OF IMMUNITY

The privileges and immunities provided for in article XI of this Convention are accorded to the persons specified in that article solely in the interests of their official functions. Each State may waive the immunity of its representative in any case where, in the opinion of that State, the immunity would impede the course of justice and can be waived without prejudice to the purpose for which it was accorded.

IV. OFFICIALS

Article XIII. PRIVILEGES AND IMMUNITIES

1. Officials:

- (a) Shall be immune from legal and administrative process in respect of all acts performed by them in their official capacity;
- (b) Shall be exempt from personal service obligations;
- (c) Shall be exempt from direct taxes and duties on salaries and other emoluments paid to them by the Organization;
- (d) Shall be exempt from customs duties and fees (with the exception of storage and cartage fees) on articles intended for their personal use, including articles required for their installation at the time of their original entry into the State in which the Organization or its bodies have their seat, and also from the requirement of obtaining authorization for the export of such articles on their departure from the State. Articles imported by officials may be alienated by them in States in which the Organization or its bodies have their seat, in accordance with the procedure established in those countries.

2. The provisions of subparagraphs (b) and (d) of paragraph 1 of this article shall apply to members of the family of an official forming part of this household provided that they are not nationals of States in which the Organization or its bodies have their seat and do not reside there permanently.

3. The chief officer of the Organization, in addition to the privileges and immunities specified in paragraph 1 of this article, shall enjoy the privileges and immunities accorded in that State to diplomatic representatives.

4. The provisions of subparagraphs (b), (c) and (d) of paragraph 1 of this article shall not apply to relations between officials and bodies of the State of which they are nationals or in the territory of which they reside permanently.

Article XIV. WAIVER OF IMMUNITY

The privileges and immunities provided for in article XIII of this Convention are accorded to officials solely in the interests of the Organization and in order to ensure the independent exercise of their official functions. The chief officer of the Organization shall have the right and the duty to waive the immunity accorded to any official of the Organization in cases where, in his opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of the Organization. In the case of the chief officer of the Organization, the right to waive immunity shall be vested in the representative body which appointed him.

V. GENERAL PROVISIONS

Article XV. ASSISTANCE TO REPRESENTATIVES OF STATES AND TO OFFICIALS

1. States parties to this Convention shall afford to representatives of States in bodies of the Organization, to delegations of States at meetings of bodies of the Organization and at assemblies and conferences convened by it, and to officials the necessary facilities for the performance of their functions. The receiving State, in particular, shall afford assistance in providing to the aforementioned persons office premises and living quarters, medical care and other social and public utility services in accordance with the procedure established in that State.

2. The provisions of paragraph 1 of this article shall not apply to representatives of States and to officials who are nationals of the receiving State or persons who reside permanently in its territory.

Article XVI. RESPECT FOR THE LAWS OF STATES

Organizations and persons enjoying the privileges and immunities envisaged under this Convention have an obligation to respect the laws of the State party to this Convention in whose territory they are situated.

VI. FINAL PROVISIONS

Article XVII. SIGNING OF THE CONVENTION

This Convention shall be open for signature until 31 December 1981.

Article XVIII. ACCESSION

After the date indicated in article XVII, this Convention shall be open for accession by any State. Instruments of accession shall be deposited with the depositary.

Article XIX. RATIFICATION

This Convention is subject to ratification. The instruments of ratification shall be deposited with the depositary.

Article XX. ENTRY INTO FORCE

1. This Convention shall enter into force on the sixtieth day after the deposit of the sixth instrument of ratification or accession.

2. For each State which has deposited its instrument of ratification or accession after the deposit of the sixth instrument of ratification or accession, it shall enter into force on the sixtieth day after the deposit of the instrument of ratification or accession by that State.

Article XXI. AMENDMENTS

1. This Convention may be amended only with the agreement of all the States parties to the Convention. Proposals for amendments may be made by any State party to the Convention. Such proposals shall be transmitted to the depositary.

2. Amendments to this Convention shall be subject to ratification and shall enter into force after the deposit with the depositary of the last instrument of ratification of States parties to the Convention.

Article XXII. DURATION

This Convention is concluded for an unlimited period of time.

Article XXIII. DENUNCIATION

1. Any State may denounce this Convention by notifying the depositary to that effect.

2. Such denunciation shall enter into force 12 months after the date of receipt of the notification by the depositary.

3. If the obligation to accord to the Organization the immunities and privileges envisaged in this Convention has been accepted by States members of this Organization on the basis of its constituent documents or decisions, denunciation of the Convention shall not affect the validity of that obligation.

Article XXIV. DEPOSITARY

The original copy of this Convention shall be deposited with the Secretariat of the Council for Mutual Economic Assistance, which shall perform the function of depositary of this Convention.

DONE at Budapest on 5 December 1980 in a single copy in the Russian language.

For the Government of the People's Republic of Bulgaria:

[I. VELINOV]

For the Government of the Hungarian People's Republic:

[I. SZILBEREKY]

For the Government of the Socialist Republic of Viet Nam:

[NGUYEN XYAN TRANG]

For the Government of the German Democratic Republic:

[ST. SUPRANOWITZ]

For the Government of the Republic of Cuba:

[H. GARCINI GUERRA]

For the Government of the Mongolian People's Republic:

[O. JAMBALDORJ]

For the Government of the Polish People's Republic:

[M. REGENT-LECHOWICZ]

For the Government of the Union of Soviet Socialist Republics:

[N. OSETROV]

For the Government of the Czechoslovak Socialist Republic:

[S. VANEK]