

AGREEMENT BETWEEN
THE AUSTRIAN FEDERAL GOVERNMENT
AND
THE INTERNATIONAL CRIMINAL POLICE ORGANIZATION - INTERPOL
(ICPO – INTERPOL)
ON THE PRIVILEGES AND IMMUNITIES OF ICPO - INTERPOL
FOR THE 91ST GENERAL ASSEMBLY SESSION AND
THE EXECUTIVE COMMITTEE MEETINGS TO BE HELD IN VIENNA IN 2023

Preamble

The Austrian Federal Government (hereinafter referred to as the “Host Country”) and the International Criminal Police Organization - INTERPOL (hereinafter referred to as the “ICPO-INTERPOL” or the “Organization”),

In anticipation of the 91st General Assembly session and the Executive Committee meetings, which will be held in Vienna, Austria, from 23rd November to 1st December 2023,

Considering that ICPO-INTERPOL is an international organization governed by public international law whose aims, under the terms of its Constitution, are to ensure the promotion of the widest possible mutual assistance between all criminal police authorities within the limits of the laws existing in the different countries and in the spirit of the Universal Declaration of Human Rights, and to establish and develop all institutions likely to contribute effectively to the prevention and suppression of ordinary law crimes,

Considering that, under the terms of Article 3 of ICPO-INTERPOL’s Constitution, it is strictly forbidden for the Organization to undertake any intervention or activities of a political, military, religious or racial character,

Considering that, under the terms of Article 31 of ICPO-INTERPOL's Constitution, the Organization needs the constant and active cooperation of its Members, who should do all within their power, which is compatible with the legislations of their countries to participate diligently in its activities,

Considering also that, under the terms of Article 30 of ICPO-INTERPOL's Constitution, all Members of the Organization shall do their best to assist the Secretary General and the staff in the discharge of their functions,

Convinced that for international police cooperation to be carried out successfully, solid guarantees are required, and that under international custom, guarantees are provided for international organizations governed by public international law,

Considering that on the territory of each of its member countries, the Organization must enjoy the guarantees it requires to carry out its mission for the benefit of all those countries,

Considering also that the representatives of the member countries and the staff of the Organization's General Secretariat must enjoy the privileges and immunities they require to discharge their functions on behalf of the Organization with complete independence,

Convinced that granting such privileges and immunities will contribute to strengthening and developing international police cooperation,

Bearing in mind Article 3 of the ICPO-INTERPOL General Regulations, which provides that any Member may, on behalf of its country, invite the Assembly to meet on the territory of that country,

Bearing in mind Article 17 on the "Obligations incumbent upon countries hosting General Assembly sessions" of the Rules of Procedure of the ICPO-INTERPOL General Assembly and Article 4(5) of the Rules concerning the organization of General Assembly sessions which provides that the host country shall complete and execute a legally binding agreement on privileges and immunities for the General Assembly session and the Executive Committee meetings,

HAVE AGREED the following:

Article 1

Purpose of the Agreement and objectives of the cooperation

To enable the ICPO-INTERPOL to discharge the missions defined in its Constitution, and in particular to facilitate international police cooperation and the operation of the bodies listed in Article 5 thereof, the immunities and privileges defined in the present Agreement shall be granted to it on the territory of the Republic of Austria, for the time required to organize, hold and complete the 91st General Assembly session and the Executive Committee meetings to be held in Vienna, Republic of Austria, from 23rd November to 1st December 2023.

Article 2

Entry into the Host Country territory

(1) The competent government authorities of the Host Country shall allow to enter and leave their territory, for the duration of the 91st General Assembly session and the Executive Committee meetings:

- (a) representatives of Member Countries attending the 91st General Assembly session and their delegations;
- (b) members of the Executive Committee of the ICPO-INTERPOL and their delegations;
- (c) members of the ICPO-INTERPOL General Secretariat staff;
- (d) members of the Commission for the Control of INTERPOL's Files and the persons carrying out official duties on its behalf;
- (e) interpreters and minute writers hired by the ICPO-INTERPOL General Secretariat;

- (f) the Organization's Advisers;
- (g) observers, experts and other persons who have been invited to attend the 91st General Assembly session and/or the Executive Committee meetings; and
- (h) accompanying staff of the foregoing.

(2) The competent government authorities of the Republic of Austria shall issue free of charge and without delay any visas or entry or exit permits required for persons participating in the 91st General Assembly session and/or the Executive Committee meetings in accordance with European Union and national law.

(3) No person referred to in paragraph 1 shall be required by the Government of Austria to leave the territory of the Republic of Austria save in the event of an abuse of the privileges and immunities granted under this Agreement.

Article 3

Additional guarantees related to public health and safety measures

(1) All participants listed in Article 2 above shall enjoy the same exemptions of quarantine measures and other measures implemented to address public health and safety concerns as are enjoyed by persons visiting or working for international organizations in the Republic of Austria in accordance with national law.

(2) The Host Country and the General Secretariat of the ICPO-INTERPOL shall hold consultations and determine jointly any other measures that may be necessary to safeguard the health and safety of the participants and the general public taking into account the rights of the participants and the need for the General Assembly and the Executive Committee to function smoothly and efficiently.

Article 4

Privileges and immunities of the Organization

(1) The ICPO-INTERPOL shall enjoy immunity from jurisdiction and enforcement, except:

- (a) to the extent that the Secretary General shall have expressly waived such immunity in a particular case;
- (b) in the case of civil action brought by a third party for damage resulting from an accident caused by a motor vehicle belonging to, or operated on behalf of, the ICPO-INTERPOL, or in respect of any infringement of laws and regulations governing the keeping, operation and use of motor vehicles.

(2) Without prejudice to paragraph 1, the property and assets of the ICPO-INTERPOL, wherever situated, shall be immune from any form of seizure, confiscation, expropriation and sequestration or any other form of judicial or administrative restraint.

(3) The Organization shall take appropriate measures for the satisfactory settlement of disputes:

- (a) arising from written contracts to which the Organization is a party. The Organization shall include in its written contracts, other than those concluded with its officials, a clause whereby any dispute arising from the interpretation or performance of the contract shall be settled by consultation or mediation, or in the absence of an amicable settlement of the dispute between the two parties, by an arbitration procedure agreed between them;
 - (b) concerning data processing in the INTERPOL Information System, which may be brought before the Commission for the Control of INTERPOL's Files;
 - (c) between the Organization and its officials, which may be submitted to the Administrative Tribunal of the International Labour Organization.
- (4) Tort claims arising from the wrongful or negligent act or omission of the ICPO-INTERPOL in connection with the organization of the 91st General Assembly session and Executive Committee meetings in Vienna, Republic of Austria, from 23rd November to 1st December 2023, shall be settled using any method of settlement deemed appropriate by the ICPO-INTERPOL, and guaranteeing the independent and impartial settlement of the disputes within a reasonable time.

Article 5 **Inviolability of archives and correspondence**

- (1) All documents belonging to the ICPO-INTERPOL or held by it in whatever form and, *inter alia*, its archives and accounts, shall be inviolable wherever they are located.
- (2) The inviolability of the ICPO-INTERPOL's official correspondence shall be guaranteed. Its official communications shall not be subject to censorship and it may make use of codes.

Article 6 **Foreign exchange**

The ICPO-INTERPOL may, without being subject to any financial controls, regulations or moratoria:

- (a) receive and hold funds and foreign exchange of all kinds, and operate accounts in all currencies on the territory of the Host Country;
- (b) freely transfer its funds and foreign exchange within the territory of the Host Country, and from its Headquarters or one of its Sub-Regional Bureaus to the Host Country and vice versa.

Article 7 **Exemption from customs duties**

Administrative, technical and scientific material provided by the ICPO-INTERPOL for the 91st General Assembly session and the Executive Committee meetings, as well as publications of the ICPO-INTERPOL and other official documents required for its work, and the usual gifts

presented by or to the ICPO-INTERPOL Secretary General and officials of the Organization as well as promotional material of small value and limited quantity sold to participants during the 91st General Assembly session and the Executive Committee meetings shall be exempt from payment of import duties and all other taxes. The ICPO-INTERPOL undertakes to re-export all such material, publications and gifts that remain unused or undistributed at the end of the 91st General Assembly session and the Executive Committee meetings.

Article 8 **Privileges and immunities of participants**

The Host Country shall take appropriate measures to ensure that all participants listed in Article 2 shall be granted the following privileges and immunities in connection with their official duties and the missions assigned to them on the territory of the Host Country during the 91st General Assembly session and the Executive Committee meetings and during their journeys to and from the location where the meeting or session is being held:

- (a) immunity from arrest, detention and seizure of personal baggage;
- (b) immunity from legal process, even after the 91st General Assembly session and the Executive Committee meetings, for acts performed in the exercise of their official functions;
- (c) inviolability of all official papers and documents;
- (d) the same facilities with regard to foreign exchange as are granted to diplomatic agents.

Article 9 **Diplomatic privileges**

In addition to the privileges and immunities granted by Article 8 above, the Secretary General, the members of the Executive Committee and the family members accompanying them shall be accorded the privileges, immunities, and facilities as are granted, in accordance with international law, to diplomatic agents.

Article 10 **Use of immunities**

(1) The privileges and immunities provided for in Articles 8 and 9 of the present Agreement are granted to those concerned not for their personal benefit but in the interest of the smooth functioning of the institutions of the ICPO-INTERPOL.

(2) The ICPO-INTERPOL and the competent authorities in the Organization's Member Countries exercise the right and duty of waiving the immunity of those who enjoy it whenever such immunity would impede the course of justice and when the immunity can be waived without prejudice to the interests of ICPO-INTERPOL.

Article 11

Settlement of disputes

- (1) Any dispute arising out of the interpretation or application of the present Agreement shall be settled by negotiation.
- (2) Unless the parties decide otherwise, any dispute concerning the interpretation or application of the present Agreement which cannot be settled by negotiation shall be submitted to an arbitral tribunal composed of one or three arbitrators, as determined by the parties, in accordance with the "Optional Rules of Arbitration of the Permanent Court of Arbitration for International Organizations and States", as in force on the date of signature of this Agreement. The sole arbitrator shall be appointed by mutual agreement of the parties or, failing that, by the Secretary General of the Permanent Court of Arbitration. When the arbitral tribunal is composed of three members, one is appointed by the Austrian Federal Government, the other is appointed by the Organization and the third, presiding over the arbitral tribunal, by mutual agreement between the two arbitrators or, failing that, by the Secretary General of the Permanent Court of Arbitration. Such arbitration shall be final and binding.
- (3) Each Party may however request the Secretary General of the Permanent Court of Arbitration to immediately set up such an arbitral tribunal to examine a request for provisional measures to protect its rights under the present Agreement.
- (4) The language to be used in the proceedings of the arbitral tribunal shall be English.
- (5) The arbitrations proceedings, including the existence of the arbitration, all oral and written submissions and all decisions and awards of the arbitral tribunal, shall be confidential, except where such information must be disclosed pursuant to a statutory or other legal obligation placed upon the Host Country or the Organization. In such a case, the party required to disclose the information shall consult the other party prior to disclosure.

Article 12

Entry into force

The present Agreement shall enter into force three days after signature by both Parties.

In witness thereof the undersigned, duly authorized to that effect, have concluded the present Agreement.

Done in two copies, in the German and English languages, each text being equally authentic.

For the Austrian Federal Government

**For the International Criminal Police
Organization - INTERPOL**

Wolfgang Wagner m. p.

Mary D. Rodriguez m. p.

Done in: Paris

(place)

Done in: Paris

(place)

Signed on: 13 November 2023

(date)

Signed on: 13 November 2023

(date)