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SUPPLEMENTARY PROTOCOL N° I

to the Convention for European Economic Co-operation on the legal capacity, privileges and immunities of the organisation

The Government and Authorities signatories to the Convention for European Economic Cooperation;

CONSIDERING that according to the provisions of Article 22 of the Convention, the Organisation for European Economic Co-operation shall enjoy in the territory of each of its Members such legal capacity as may be necessary for the exercise of its functions and the fulfillment of its purposes, and that the Organisation, its officials, and representatives of the Members of the Organisation shall be entitled to the privileges and immunities set out in a Supplementary Protocol;

HAVE AGREED on the following provisions:

PART I Personality, Capacity

Article 1

The Organisation shall possess juridical personality. It shall have the capacity to, conclude contracts, to acquire and dispose of movable and immovable property and to institute legal proceedings.

PART II Property, Funds and Assets

Article 2

The Organisation, its property and assets 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.

Article 3

The premises of the Organisation shall be inviolable. The property and assets of the Organisation, wherever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation and any other form of interference, whether by executive, administrative, judicial or legislative action.

Ageing Society

Agriculture, Food
and Fisheries

Biotechnology

Competition and
Regulatory Reform

Competition

Regulatory Reform

Corporate Sector
Issues

Economics

Education and Skills

Electronic Commerce

Emerging and
Transition economies

Employment

Energy

Enterprise, Industry
and Services

Environment

Fighting Bribery
and Corruption

Finance and
Investment

Food Safety

Future Studies

Governance

Public Management

Governance in
Transition Countries

Growth

Health

Information Society

Insurance and
Pensions

International
Development

Development
Assistance Committee
Development Centre
Club du Sahel
Centre for Co-
operation with Non-
Members

International
Migration

Money Laundering

Science and
Innovation

Social Issues

Statistics

Sustainable
Development

Taxation

Territorial Economy

Trade

Transport

Article 4

The archives of the Organisation, and in general all documents belonging to it or held by it, shall be inviolable wherever located.

Article 5

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 from one country to another or within any country and convert any currency held by it into any other currency.

Article 6

The Organisation, its assets, income and other property shall be :

(a) exempt from all direct taxes; it is understood, however, that the Organisation will not claim exemption from rates and taxes which are in fact no more than charges for public utility services;

(b) exempt from customs duties and prohibitions and restrictions on imports and exports in respect of articles imported or exported by the Organisation for its official use. It is understood however that articles imported under such exemption will not be sold in the country into which they were imported except under conditions agreed with the Government of that country;

(c) exempt from customs duties and prohibitions and restrictions on imports and exports in respect of its publications.

Article 7

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 forms 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, Members will, whenever possible, make appropriate administrative arrangements for the remission or return of the amount of duty or tax.

PART III Facilities in Respect of Communications

Article 8

The Organisation shall enjoy in the territory of each Member, for its official communications, treatment not less favourable than that accorded by the Government of that Member to any other Government including its diplomatic mission in the matter of priorities, rates and taxes on mails, cables, telegrams, radiograms, telephotos, 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.

PART IV

The Representatives of Members

Article 9

Representatives of Members to the principal and subsidiary organs of 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 envoys of comparable rank.

Article 10

Privileges, immunities and facilities are accorded to the representatives of Members not for the personal benefit of the individuals concerned, but in order to safeguard the independent exercise of their functions in connection with the Organisation. Consequently, a Member has not only the right but the duty to, waive the immunity of its representative in any case where, in the opinion of the Member, 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

The provisions of Article 9 are not applicable as between a representative and the authorities of the State of which he is a national or of which he is or has been the representative.

Article 12

In this Part IV the expression shall be deemed to include all delegates, alternates, advisers, technical experts and secretaries of delegations.

PART V

Officials

Article 13

The Secretary-General will specify the categories of officials to which the provisions of this Part V shall apply. He shall submit a list of these categories to the Council. Thereafter this list shall be communicated to all Members. The names of the officials included in these categories shall from time to time be made known to Members.

Article 14

Officials of the Organisation shall :

(a) be immune from legal process in respect of things done by them in their official capacity; they shall continue to be so immune after completion of their functions as officials of the Organisation;

(b) enjoy the same exemption from taxation in respect of the salaries and emoluments paid to them as is enjoyed by officials of the principal International Organisations and on the same conditions;

(c) be immune, together with their spouses and dependent relatives, from immigration restrictions and alien registration;

(d) be accorded the same privileges in respect of exchange facilities as are accorded to the officials of comparable rank forming a part of diplomatic missions;

(e) be given, together with their spouses and dependent relatives, the same repatriation facilities in time of international crisis as members of diplomatic missions;

(f) have the right to import free of duty their furniture and effects at the time of first taking up their post in the country in question.

Article 15

In addition to the privileges, immunities, exemptions and facilities specified in Article 14, the Secretary-General shall be accorded in respect of himself, his spouse and children under the age of 21, the privileges, immunities, exemptions and facilities accorded to heads of diplomatic missions in conformity with international law.

The Deputy Secretaries-General shall enjoy the privileges, immunities, exemptions and facilities accorded to diplomatic representatives of comparable rank.

Article 16

Privileges, immunities and facilities are granted to officials in the interests of the Organisation and not for the personal benefit of the individuals concerned. The Secretary-General shall have the right and the duty to waive the immunity of any official in any case where, in his opinion, the immunity 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 Secretaries-General the Council shall have the right to waive immunity.

Article 17

The Organisation shall co-operate at all times with the appropriate authorities of Members to facilitate the proper administration of justice, secure the observance of police regulations and prevent the occurrence of any abuse in connection with the privileges, immunities, exemptions and facilities mentioned in this Part V.

PART VI

Experts on Missions for the Organisation

Article 18

Experts (other than officials coming within the scope of Part V) performing missions for the Organisation shall be accorded such privileges, immunities and facilities as are necessary for the independent exercise of their functions during the period of their missions, including the time spent on journeys in connection with their missions. In particular they shall be accorded :

(a) immunity from personal arrest or detention and from seizure of their baggage;

(b) in respect of things done by them in the course of the performance of their mission, immunity from legal process of every kind;

(c) inviolability for all papers and documents.

Article 19

Privileges, immunities and facilities are granted to experts in the interests of the Organisation and not for the personal benefit of the individuals concerned. The Secretary-General shall have the right and the duty to waive the immunity of any expert in any case where, in his opinion, the immunity would impede the course of justice and it can be waived without prejudice to the interests of the Organisation.

PART VII Supplementary Agreements

Article 20

The Organisation may conclude with any Member or Members supplementary agreements adjusting the provisions of the present Protocol so far as that Member or those Members are concerned.

In faith whereof the undersigned Plenipotentiaries, being duly authorised to that effect, have signed the present Protocol.

Done in Paris this sixteenth day of April, Nineteen Hundred and Forty Eight, in the English and French languages, both texts being equally authentic, in a single copy which shall remain deposited in the Archives of the Government of the French Republic, by which certified copies will be communicated to all the other Signatories.

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