

No. 836

**SWITZERLAND
and
ASSOCIATION OF IRON ORE
EXPORTING COUNTRIES**

**Agreement to govern the legal status in Switzerland of the
Association of Iron Ore Exporting Countries. Signed
at Berne on 9 December 1976**

Authentic texts: French and English.

Filed and recorded at the request of Switzerland on 13 March 1979.

**SUISSE
et
ASSOCIATION DES PAYS EXPORTATEURS
DE MINERAI DE FER**

**Accord pour régler le statut juridique en Suisse de l'Asso-
ciation des pays exportateurs de minerai de fer. Signé
à Berne le 9 décembre 1976**

Textes authentiques : français et anglais.

*Classé et inscrit au répertoire à la demande de la Suisse le 13 mars
1979.*

AGREEMENT¹ BETWEEN THE SWISS FEDERAL COUNCIL AND THE ASSOCIATION OF IRON ORE EXPORTING COUNTRIES TO GOVERN THE LEGAL STATUS OF THIS ASSOCIATION IN SWITZERLAND

The Swiss Federal Council on one hand,

The Association of Iron Ore Exporting Countries on the other,

Being desirous of concluding an agreement with a view to governing the legal status, in Switzerland, of the Association of Iron Ore Exporting Countries, have agreed upon the following provisions:

I. STATUS, IMMUNITIES AND PRIVILEGES OF THE ASSOCIATION

Article 1. PERSONALITY

The Federal Council recognizes the international personality and legal capacity in Switzerland of the Association of Iron Ore Exporting Countries (hereinafter called "the Association").

Article 2. FREEDOM OF ACTION

1. The Federal Council guarantees the Association the independence and freedom of action belonging to it as an international institution.

2. It recognizes, in particular, the right of the Association and of its members in their relations with it, to freedom of assembly, discussion and decision.

Article 3. INVIOABILITY

1. The buildings or parts of buildings and the land ancillary thereto which, whoever the owner, are used for the purposes of the Association are inviolable. No agent of the Swiss public authorities may enter therein without the express consent of the Association. Only the Secretary General of the Association or his duly authorized representative may waive this inviolability.

2. The archives of the Association and, in general, all documents intended for its official use, belonging to it or in its possession, are inviolable at all times and wherever they may be located.

3. The Association exercises control and the maintenance of order in its premises.

Article 4. IMMUNITY FROM PROCESS AND IMMUNITY WITH REGARD TO OTHER MEASURES

1. The Association enjoys immunity from penal, civil and administrative jurisdiction, except insofar as this immunity shall have been formally waived by the Secretary General of the Association or his duly authorized representative. The insertion of [a] jurisdiction clause in a contract before an ordinary Swiss tri-

¹ Came into force on 28 December 1976, the day on which its approval by the Board of the Association had been communicated to the Swiss authorities, in accordance with article 27.

bunal constitutes a formal renunciation of the immunity. However, unless the clause specifies otherwise, such renunciation does not extend to measure of execution.

2. The buildings or parts of buildings, the land ancillary thereto and assets, owned by the Association or used by the Association for its purposes, whether or not its property, shall be exempt from search, requisition, attachment or measure of execution.

Article 5. COMMUNICATIONS

1. The Association, in its official communications, has the benefit of the preferential treatment applicable to other international organisations in Switzerland, and in conformity with the International Telecommunications Convention.¹

2. The Association has the right to use codes for its official communications. It also has the right to send and receive its correspondence by couriers or duly identified bags which shall benefit from the same privileges and immunities as diplomatic couriers and diplomatic bags.

3. The official correspondence and other communications duly authenticated of the Association may not be censored.

4. The technical aspects of operating the telecommunications equipment shall be co-ordinated with the Swiss PTT.

Article 6. PUBLICATIONS

The importation and exportation of the Association's publications shall not be submitted to any restrictions.

Article 7. FISCAL SYSTEM

1. The Association, its assets, income and other property are exempt from direct federal, cantonal and communal taxes. With regard to immovable property, however, such exemption shall apply only to that which is owned by the Association and which is occupied by its services, and to income derived therefrom. The Association shall not be liable to taxation on the rent it may pay for premises rented by it and occupied by its services.

2. The Association is exempted from indirect federal, cantonal and communal taxes. As regards federal turnover tax included in the price or obviously transferred, the exemption only applies to acquisitions intended for the Association's official use, on condition that the invoice for a single acquisition exceeds one hundred Swiss francs.

3. The Association is exempt from all federal, cantonal and communal taxes, other than taxes levied for special services.

4. Where applicable, the exemptions mentioned above shall take the form of refund at the Association's request in accordance with a procedure to be determined by the Association and the competent Swiss authorities.

Article 8. CUSTOMS

The customs clearance of articles intended for the Association shall be governed by the Customs Regulations of the Federal Council applicable to international organisations and which form an integral part of this Agreement.

¹ Registered with the Secretariat of the United Nations on 2 January 1981 under No. I-19497.

Article 9. FREE DISPOSAL OF FUNDS

1. The Association may receive, hold, convert and transfer funds of any sort, gold, all currencies, cash and other transferable securities and have free disposal thereof within Switzerland as well as in its relations with other countries.

2. The present article is applicable to member states in their relations with the Association.

Article 10. PENSION FUND AND SPECIAL FUNDS

1. Any pension fund or provident fund institution officially acting in favour of staff members of the Association is legally recognized in Switzerland if it observes the relevant forms imposed by Swiss law. It enjoys, insofar as its activity is on behalf of the said staff members, the same exemptions, immunities and privileges as the Association itself.

2. The funds and foundations, whether they have legal personality or not, administered under the auspices of the Association and allotted to its official uses, enjoy the same exemptions, immunities and privileges as the Association itself, insofar as their movable properties are concerned.

Article 11. SOCIAL SECURITY

The Association is exempt from all compulsory contributions to social provident funds in general, such as equalization fund, unemployment fund, accident insurance, etc., on the understanding that the Association will ensure, insofar as possible and on conditions to be agreed upon, the affiliation to Swiss insurance system of those of its staff members who are not covered by an equivalent insurance scheme.

II. IMMUNITIES AND FACILITIES ACCORDED TO PERSONS CALLED
UPON FOR OFFICIAL DUTIES WITH THE ASSOCIATION

*Article 12. STATUS OF REPRESENTATIVES OF THE MEMBER STATES
OF THE ASSOCIATION*

1. The representatives of the member states of the Association called upon for official duties with the Association, shall, during the discharge of their duties in Switzerland and in the course of journeys to and from meetings, enjoy the immunities and privileges accorded by Switzerland to representatives of states accredited to international organisations. However, the customs privileges and facilities shall be granted in accordance with Customs Regulations.

2. The privileges and immunities provided for have not been established with a view to according personal advantages to the representatives of member states of the Association, but in order to safeguard with complete independence the discharge of their duties for the Association. In consequence, a member state of the Association has not only the right but the duty to waive the immunity of its representative at any time when, in its opinion, that immunity hinders the normal course of justice, provided that the immunity can be waived without prejudice to the purposes for which the immunity had been granted.