

**No. 45106\***

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**Austria  
and  
International Criminal Police Organization**

**Agreement between the Republic of Austria and the International Criminal Police Organization ("ICPO-INTERPOL") regarding the Seat of the INTERPOL Anti-Corruption Academy in Austria (with annex). Vienna, 17 July 2007**

**Entry into force:** *1 June 2008 by notification, in accordance with article 24*

**Authentic texts:** *English and German*

**Registration with the Secretariat of the United Nations:** *Austria, 9 July 2008*

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**Autriche  
et  
Organisation internationale de police criminelle**

**Accord entre la République d'Autriche et l'Organisation internationale de police criminelle ("ICPO-INTERPOL") concernant le siège de l'École supérieure INTERPOL de lutte anticorruption en Autriche (avec annexe). Vienne, 17 juillet 2007**

**Entrée en vigueur :** *1er juin 2008 par notification, conformément à l'article 24*

**Textes authentiques :** *anglais et allemand*

**Enregistrement auprès du Secrétariat des Nations Unies :** *Autriche, 9 juillet 2008*

\* *The texts reproduced below are the original texts of the agreement as submitted. For ease of reference, they were sequentially paginated. The relevant Treaty Series volume will be published in due course.*

*Les textes reproduit ci-dessous sont les textes authentiques de l'accord tel que soumises pour l'enregistrement. Pour référence, ils ont été présentés sous forme de la pagination consécutive. Le volume correspondant du Recueil des Traités sera disponible en temps utile.*

[ ENGLISH TEXT – TEXTE ANGLAIS ]

**AGREEMENT**  
**BETWEEN THE REPUBLIC OF AUSTRIA**  
**AND**  
**THE INTERNATIONAL CRIMINAL POLICE ORGANIZATION**  
**("ICPO-INTERPOL")**  
**REGARDING THE SEAT OF THE INTERPOL ANTI-CORRUPTION**  
**ACADEMY IN AUSTRIA**

**Preamble**

The Republic of Austria and the International Criminal Police Organization (hereinafter referred to as "ICPO-Interpol")

HAVING REGARD to the fact that ICPO-Interpol has decided to locate the Interpol Anti-Corruption Academy in Austria and having regard to any future decision to locate, with the consent of the Government of the Republic of Austria, other departments of ICPO-Interpol in Austria;

DESIRING to define the status, privileges and immunities of ICPO-Interpol in the Republic of Austria and to enable ICPO-Interpol to fulfil its purposes and functions;

HAVE AGREED as follows:

**Article 1**  
**Definitions**

For the purpose of this Agreement:

- a) "Austrian authorities" means such federal, state, municipal or other authorities in the Republic of Austria as may be appropriate in the context, and in accordance with the laws and customs applicable in the Republic of Austria;
- b) "ICPO-Interpol" means the International Criminal Police Organization;

- c) "Academy" means the Interpol Anti-Corruption Academy which is a department of ICPO-Interpol;
- d) "Staff members of the Academy" means the officials of ICPO-Interpol assigned by ICPO-Interpol to work at the Academy;
- e) "Official of ICPO-Interpol" means all staff members of ICPO-Interpol;
- f) "Officer of ICPO-Interpol" means all members of the organs and subsidiary bodies of ICPO-Interpol;
- g) "Official activities" means any activities necessary for carrying out the purpose of ICPO-Interpol and
- h) "Official Visitors" means representatives of Governments and international organizations co-operating with ICPO-Interpol who are invited by ICPO-Interpol.

## **Article 2**

### **Legal Capacity and Status**

(1) The Republic of Austria recognizes the legal capacity of ICPO-Interpol within Austria, in particular its capacity:

- a) to contract;
- b) to acquire and dispose of immovable and movable property;
- c) to institute and respond to legal proceedings and
- d) to take such other action as may be necessary or useful for its purpose and activities.

(2) With regard to studies of at least three years duration which require a completed secondary education as a prerequisite for admission or to studies of at least one year duration which require a completed bachelor programme at a recognised institution of post-secondary education as a prerequisite for admission, the Republic of Austria recognises the Academy as an institution of post-secondary education in the terms of Austrian law with all legal consequences.

## **Article 3**

### **Seat**

(1) The Seat of the Academy shall comprise the land, installations and offices

that the Academy occupies for its activities. Its area shall be defined by common understanding between ICPO-Interpol and the Government of the Republic of Austria.

(2) All office and conference premises in Austria used with the agreement of the Government for meetings convened by the Academy shall be deemed temporarily to form part of the Seat.

#### **Article 4** **Inviolability of the Seat**

(1) The Seat of the Academy shall be inviolable. No officer or official of the Republic of Austria, or other person exercising any public authority within the Republic of Austria, may enter the Seat to perform any duties except with the consent of, and under conditions approved by, the Secretary General of ICPO-Interpol, represented by the chief executive officer of the Academy. However, in the event of fire or other such emergency, such consent shall be deemed to have been given if immediate protective measures are required.

(2) Except as otherwise provided in this Agreement and subject to the power of ICPO-Interpol to make regulations, the laws of the Republic of Austria shall apply within the Seat.

(3) Instruments issued by Austrian authorities may be served at the Seat premises.

#### **Article 5** **Immunity from Jurisdiction and other Actions**

(1) ICPO-Interpol shall have immunity from jurisdiction and enforcement, except:

- a) to the extent that, subject to Article 20 (3), ICPO-Interpol shall have expressly waived such immunity in a particular case;
- b) in the case of civil action brought by a third party for damages resulting from an accident caused by a motor vehicle belonging to, or operated on behalf of, ICPO-Interpol, or in respect of any infringement of regulations governing the keeping, operation and use of motor vehicles.

(2) Without prejudice to paragraphs 1 and 3, the property and assets of ICPO-Interpol, wherever situated, shall be immune from any form of seizure, confiscation, expropriation and sequestration.

(3) The property and assets of ICPO-Interpol shall also be immune from any

form of administrative or provisional judicial restraint.

(4) With regard to any dispute between ICPO-Interpol and a private party ICPO-Interpol agrees that these shall be finally settled by a tribunal composed of a single arbitrator appointed by the Secretary General of the Permanent Court of Arbitration in accordance with the relevant Optional Rules for Arbitration involving international organizations and private parties. The tribunal shall decide a dispute in accordance with such rules of law as may be agreed by the parties. In the absence of such agreement, the tribunal shall apply such rules of international law and general principles of law as may be applicable. Matters concerning the interpretation of the ICPO-Interpol Constitution and its appendices shall not be within the competence of the tribunal.

#### **Article 6 Inviolability of Archives**

The archives of ICPO-Interpol shall be inviolable.

#### **Article 7 Protection of the Seat**

The Austrian authorities shall exercise due diligence to ensure that the tranquillity of the Seat of the Academy is not disturbed by any person or group of persons attempting unauthorized entry into the Seat.

#### **Article 8 Public services within the Seat**

The Republic of Austria shall take all appropriate measures to ensure that the Seat is supplied with the necessary public services on equitable terms.

#### **Article 9 Communications**

(1) The Republic of Austria shall ensure that ICPO-Interpol is able to send and receive communications in connection with its official activities without censorship or other interference.

(2) ICPO-Interpol shall enjoy in the Republic of Austria, for its official communications and the transfer of all its documents, treatment not less advantageous to ICPO-Interpol than the most favourable treatment accorded by the Republic of Austria to any international organization, in the matter of priorities, rates and surcharges on mail, cables, radiogrammes, telefax,