

No. 49744

**Republic of Korea
and
Organisation for the Prohibition of Chemical Weapons**

Agreement between the Republic of Korea and the Organisation for the Prohibition of Chemical Weapons on the privileges and immunities of the OPCW. The Hague, 10 April 2000

Entry into force: *1 April 2004, in accordance with article 12*

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**République de Corée
et
Organisation pour l'interdiction des armes chimiques**

Accord entre la République de Corée et l'Organisation pour l'interdiction des armes chimiques relatif aux privilèges et immunités de l'OIAC. La Haye, 10 avril 2000

Entrée en vigueur : *1^{er} avril 2004, conformément à l'article 12*

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[ENGLISH TEXT – TEXTE ANGLAIS]

**AGREEMENT
BETWEEN THE
REPUBLIC OF KOREA
AND THE
ORGANISATION FOR THE PROHIBITION OF CHEMICAL WEAPONS ON
THE PRIVILEGES AND IMMUNITIES OF THE OPCW**

The Republic of Korea

and

The Organisation for the Prohibition of Chemical Weapons

Whereas Article VIII, paragraph 48, of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction provides that the OPCW shall enjoy on the territory and in any other place under the jurisdiction or control of a State Party such legal capacity and such privileges and immunities as are necessary for the exercise of its functions;

Whereas Article VIII, paragraph 49, of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction provides that delegates of States Parties, together with their alternates and advisers, representatives appointed to the Executive Council together with their alternates and advisers, the Director-General and the staff of the Organisation shall enjoy such privileges and immunities as are necessary in the independent exercise of their functions in connection with the OPCW;

Whereas notwithstanding Article VIII, paragraphs 48 and 49 of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, the privileges and immunities enjoyed by the Director-General and the staff of the Technical Secretariat during the conduct of verification activities shall be those set forth in Part II, Section B, of the Verification Annex;

Whereas Article VIII, paragraph 50, of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction provides that such legal capacity, privileges and immunities shall be defined in agreements between the Organisation and the States Parties,

Have agreed as follows:

ARTICLE 1

DEFINITIONS

In this Agreement;

- (a) "Convention" means the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction of 13 January 1993;
- (b) "OPCW" means the Organisation for the Prohibition of Chemical Weapons established under Article VIII, paragraph 1, of the Convention;
- (c) "Director-General" means the Director-General referred to in Article VIII, paragraph 41, of the Convention, or in his absence, the acting Director-General;
- (d) "Officials of the OPCW" means the Director-General and all members of the staff of the Technical Secretariat of the OPCW, except those who are locally recruited and assigned to hourly rates;
- (e) "States Parties" means the States Parties to the Convention;
- (f) "Representatives of States Parties" means the accredited heads of delegation of States Parties to the Conference of the States Parties and/or to the Executive Council or the Delegates to other meetings convened by the OPCW;
- (g) "Experts" means persons, other than officials of the OPCW, who, in their personal capacity, are performing missions for and authorised by the OPCW, are serving on its organs, or who are, in any way, at its request, consulting with the OPCW;
- (h) "Meetings convened by the OPCW" means any meeting of any of the organs or subsidiary organs of the OPCW, or any international conferences or other gatherings convened by the OPCW;
- (i) "Archives of the OPCW" means all records, correspondence, documents, manuscripts, computer and media data, photographs, films, video and sound recordings belonging to or held by the OPCW or any officials of the OPCW in an official function, and any other material which the Republic of Korea and the Director-General may agree shall form part of the archives of the OPCW.

ARTICLE 2

JURIDICAL PERSONALITY

The OPCW shall possess juridical personality. It shall have the capacity:

- (a) to contract;
- (b) to acquire and dispose of movable and immovable property;
- (c) to institute legal proceedings.

ARTICLE 3

PROPERTY, FUNDS AND ASSETS

1. The OPCW and its property, wherever located and by whomsoever held, shall enjoy immunity from every form of legal process, except in so far as in any particular case the OPCW has expressly waived its immunity. It is, however, understood that no waiver of immunity shall extend to any measure of execution.

2. The premises of the OPCW shall be inviolable. The property of the OPCW, 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.

3. The archives of the OPCW shall be inviolable, wherever located.

4. Without being restricted by financial controls, regulations or moratoria of any kind:

(a) the OPCW may hold funds, gold or currency of any kind and operate accounts in any currency;

(b) the OPCW may freely transfer its funds, gold or currency to or from the Republic of Korea, to or from any other country, or within the Republic of Korea, and may convert any currency held by it into any other currency.

5. The OPCW shall, in exercising its rights under paragraph 4 of this Article, pay due regard to any representations made by the Government of the Republic of Korea in so far as it is considered that effect can be given to such representations without detriment to the interests of the OPCW.

6. The OPCW and its property shall be:

(a) exempt from all direct taxes; it is understood, however, that the OPCW will not claim exemption from 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 OPCW for its official use; it is understood, however, that articles imported under such exemption will not be sold in the Republic of Korea, except in accordance with conditions agreed upon with the Republic of Korea;

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

7. While the OPCW will not, as a general rule, claim exemption from excise duties and from taxes on the sale of movable and immovable property which form part of the price to be paid, nevertheless when the OPCW is making important purchases for official use of property on which such duties and taxes have been charged or are chargeable, the Republic of Korea will, whenever possible, make appropriate administrative arrangements for the remission or return of the amount of duty or tax.

ARTICLE 4

FACILITIES IN RESPECT OF COMMUNICATIONS

1. For its official communications the OPCW shall enjoy, in the territory of the Republic of Korea and as far as may be compatible with any international conventions, regulations and arrangements to which the Republic of Korea adheres, treatment not less favourable than that accorded by the Government of the Republic of Korea to any other Government, including the latter's diplomatic mission, in the matter of priorities, rates and taxes for post and telecommunications, and press rates for information to the press and radio.

2. No censorship shall be applied to the official correspondence and other official communications of the OPCW. The OPCW shall have the right to use codes and to dispatch and receive correspondence and other official communications by courier or in sealed bags, which shall have the same privileges and immunities as diplomatic couriers and bags. Nothing in this paragraph shall be construed to preclude the adoption of appropriate security precautions to be determined by agreement between the Republic of Korea and the OPCW.

3. The Republic of Korea recognises the right of the OPCW to publish freely, in accordance with the Convention, the OPCW Media and Public Relations Policy and the OPCW Policy on Confidentiality, within the territory of the Republic of Korea.