

No. 55354*

**Poland
and
Organisation for the Prohibition of Chemical Weapons**

Agreement between the Government of the Republic of Poland and the Organisation for the Prohibition of Chemical Weapons (OPCW) on the privileges and immunities of the OPCW. The Hague, 5 August 2008

Entry into force: *6 November 2009 by ratification, in accordance with article 12*

Authentic text: *English*

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**Pologne
et
Organisation pour l'interdiction des armes chimiques**

Accord entre le Gouvernement de la République de Pologne et l'Organisation pour l'Interdiction des Armes Chimiques (OIAC) relatif aux privilèges et immunités de l'OIAC. La Haye, 5 août 2008

Entrée en vigueur : *6 novembre 2009 par ratification, conformément à l'article 12*

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AGREEMENT
BETWEEN
THE GOVERNMENT OF THE REPUBLIC OF POLAND
AND
THE ORGANISATION FOR THE PROHIBITION OF
CHEMICAL WEAPONS (OPCW)
ON
THE PRIVILEGES AND IMMUNITIES OF THE OPCW

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 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 specifies that such legal capacity, privileges and immunities are to be defined in agreements between the Organisation and the States Parties;

Now, therefore, the Organisation for the Prohibition of Chemical Weapons and the Government of the Republic of Poland 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 Secretariat of the OPCW;
- (e) "State Party" means the State Party to this Agreement;
- (f) "States Parties" means the States Parties to the Convention;
- (g) "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 of the OPCW;
- (h) "Experts" means persons who, in their personal capacity, are performing missions authorised by the OPCW, are serving on its organs, or who are, in any way, at its request, consulting with the OPCW;
- (i) "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;
- (j) "Property" means all property, assets and funds belonging to the OPCW or held or administered by the OPCW in furtherance of its functions under the Convention and all income of the OPCW;
- (k) "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 Director-General and the State Party may agree shall form part of the archives of the OPCW;
- (l) "Premises of the OPCW" are the buildings or parts of buildings, and the land ancillary thereto if applicable, used for the purposes of the OPCW, including those referred to in Part II, subparagraph 11(b), of the Verification Annex to the Convention.

ARTICLE 2 LEGAL PERSONALITY

The OPCW shall possess full legal personality. In particular, it shall have the capacity:

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

ARTICLE 3
PRIVILEGES AND IMMUNITIES OF THE OPCW

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, securities, gold and currencies to or from the State Party, to or from any other country, or within the State Party, 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 State Party 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 State Party, except in accordance with conditions agreed upon with the State Party;
 - (c) exempt from duties and prohibitions and restrictions on imports and exports in respect of its publications.