

AGREEMENT

BETWEEN THE AUSTRIAN FEDERAL GOVERNMENT AND

THE INTERNATIONAL CRIMINAL POLICE

ORGANIZATION-INTERPOL (ICPO-INTERPOL)

ON

THE PRIVILEGES AND IMMUNITIES OF ICPO-INTERPOL

DURING

THE 45TH EUROPEAN REGIONAL CONFERENCE

The Austrian Federal Government (hereinafter referred to as the host country),

and

The International Criminal Police Organization-INTERPOL (hereinafter referred to as the ICPO-INTERPOL),

In anticipation of the 45th European Regional Conference, which will be held in St. Johann im Pongau, from 16 to 18 May 2017,

Considering that ICPO-INTERPOL is an international organization governed by public international law whose aims, under the terms of its Constitution, are to ensure the promotion of the widest possible mutual assistance between all criminal police authorities within the limits of the laws existing in the different countries and in the spirit of the Universal Declaration of Human Rights, and to establish and develop all institutions likely to contribute effectively to the prevention and suppression of ordinary law crimes,

Considering that, under the terms of Article 3 of ICPO-INTERPOL's Constitution, it is strictly forbidden for the Organization to undertake any intervention or activities of a political, military, religious or racial character,

Considering that, under the terms of Article 31 of ICPO-INTERPOL's Constitution, the Organization needs the constant and active cooperation of its Members, who should do all within their power which is compatible with the legislations of their countries to participate diligently in its activities,

Considering also that, under the terms of Article 30 of ICPO-INTERPOL's Constitution, all Members of the Organization shall do their best to assist the Secretary General and the staff in the discharge of their functions,

Convinced that for international police cooperation to be carried out successfully, solid guarantees are required, and that under international custom, guarantees are provided for international organizations governed by public international law,

Considering that on the territory of each of its member countries, the Organization must enjoy the guarantees it requires to carry out its mission for the benefit of all those countries,

Considering also that the representatives of the member countries and the staff of the Organization's General Secretariat must enjoy the privileges and immunities they require to discharge their functions on behalf of the Organization with complete independence,

Convinced that granting such privileges and immunities will contribute to strengthening and developing international police cooperation,

Bearing in mind, Article 3 of the General Regulations ICPO-INTERPOL that any Member may, on behalf of its country, invite the Assembly to meet on the territory of that country;

Bearing in mind, Article 17 on the "Obligations incumbent upon countries hosting General Assembly sessions" of the Rules of Procedure of the ICPO-INTERPOL General Assembly;

Also bearing in mind Article 5.1 of the Terms of Reference for the Regional Conferences which provide that the Rules concerning the organization of General Assembly sessions, apply *mutatis mutandis* to the sessions of the Regional Conferences,

have agreed the following:

Article 1

Purpose of the Agreement and objectives of the cooperation

1. To enable the ICPO-INTERPOL to discharge the missions defined in its Constitution, and in particular to facilitate international police cooperation and the operation of the bodies listed in Article 5 thereof, the immunities and privileges defined in the present Agreement shall be granted to it on the territory of the Republic of Austria, for the time required **to organize, hold and complete the 45th European Regional Conference in St. Johann im Pongau, Republic of Austria, from 16 to 18 May 2017.**

Article 2

Entry into the host country territory

2. The competent government authorities of the host country shall allow to enter and leave their territory, for the duration of the 45th European Regional Conference session:
 - a) the representatives of countries attending the 45th European Regional Conference and their delegations;
 - b) the members of the Executive Committee of the ICPO-INTERPOL and their delegations;
 - c) the members of the General Secretariat staff;
 - d) the members of the Commission for the Control of INTERPOL's Files and the persons carrying out official duties on its behalf;
 - e) the interpreters and minute writers hired by the General Secretariat;
 - f) the Organization's Advisers;
 - g) the observers, experts and other persons invited by the Organization to attend the Conference;
 - h) the accompanying family members and staff of the foregoing.

3. The competent government authorities of the Republic of Austria shall issue free of charge and without delay any visas or entry or exit permits required for persons participating in the 45th Regional Conference in accordance with European Union and national law.

Article 3

Privileges and immunities of the organization

4. In conformity with the Rules concerning the organization of General Assembly sessions, which apply *mutatis mutandis* to the sessions of the Regional Conferences, the ICPO-INTERPOL shall enjoy immunity from legal process and execution of legal process, unless the Secretary General expressly waives that immunity in a particular case at the motivated request of the competent authorities in the Republic of Austria.

Article 4

Inviolability of archives and correspondence

5. All documents belonging to the ICPO-INTERPOL or held by it in whatever form and, *inter alia*, its archives and accounts, shall be inviolable wherever they are located.
6. The inviolability of the ICPO-INTERPOL's official correspondence shall be guaranteed. Its official communications shall not be subject to censorship and it may make use of codes.

Article 5

Foreign exchange

7. The ICPO-INTERPOL may, without being subject to any financial controls, regulations or moratoria:
 - a) receive and hold funds and foreign exchange of all kinds, and operate accounts in all currencies on the territory of the host country;
 - b) freely transfer its funds and foreign exchange within the territory of the host country, and from its Headquarters or one of its Sub-Regional Bureaus to the host country and vice versa.

Article 6

Exemption from customs duties

8. Administrative, technical and scientific material provided by the ICPO-INTERPOL for the 45th European Regional Conference as well as publications of the ICPO-INTERPOL and other official documents required for its work, and the usual gifts presented by or to the ICPO-INTERPOL Secretary General and officials of the Organization during the 45th European Regional Conference, shall be exempt from payment of import duties and direct taxes. The ICPO-INTERPOL undertakes to re-export all such material, publications and gifts that remain unused or undistributed at the end of the 45th European Regional Conference.

Article 7

Privileges and immunities of participants

9. The host country shall take appropriate measures to ensure that all participants listed in Article 2 shall be granted the following privileges and immunities in connection with their official duties and the missions assigned to them on the territory of the host country during the Conference and during their journeys to and from the location where the meeting or session is being held:
- a) immunity from arrest, detention and seizure of personal baggage;
 - b) immunity from legal process, even after the Regional Conference, for acts performed in the exercise of their official functions;
 - c) inviolability of all official papers and documents;
 - d) the same facilities with regard to foreign exchange as are granted to diplomatic agents.

Article 8

Diplomatic privileges

10. In addition to the privileges and immunities granted by Article 7 above, the Secretary General, the members of the Executive Committee and the family members accompanying them shall be accorded the privileges, immunities, and facilities as are granted, in accordance with international law, to diplomatic agents.

Article 9 Use of immunities

11. The privileges and immunities provided for in Articles 7 and 8 of the present Agreement are granted to those concerned not for their personal benefit but in the interest of the smooth functioning of the institutions of the ICPO-INTERPOL.
12. The ICPO-INTERPOL and the competent authorities in the Organization's member countries exercise the right and duty of waiving the immunity of those who enjoy it whenever such immunity would impede the course of justice and when the immunity can be waived without prejudice to the interests of ICPO-INTERPOL.

Article 10 Settlement of disputes

13. Any dispute arising out of the interpretation or application of the present Agreement shall be settled by negotiation.

Article 11 Entry into force

14. The present Agreement shall enter into force ten days after the signature by both Parties.

In witness thereof the undersigned, duly authorized to that effect, have concluded the present Agreement.

Done in two copies, in the German and English languages, each text being equally authentic.

For the Austrian Federal Government:

**For the International Criminal Police
Organization-INTERPOL:**

Ulrike Butschek m.p.

Jürgen Stock m.p.

Done in Paris _____ (place)

Done in Lyon _____ (place)

Signed on 18 April 2017 _____ (date)

Signed on 12 April 2017 _____ (date)