

AGREEMENT

BETWEEN THE GOVERNMENT OF THE REPUBLIC OF CHILE
AND THE ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT
ON THE PRIVILEGES, IMMUNITIES AND FACILITIES GRANTED
TO THE ORGANISATION

THE GOVERNMENT OF THE REPUBLIC OF CHILE AND THE ORGANISATION
FOR ECONOMIC CO-OPERATION AND DEVELOPMENT
(HEREAFTER CALLED THE PARTIES),

HAVING REGARD to the fact that the Organisation of Economic Co-operation and Development was established as an international organisation pursuant to the Convention on the Organisation of Economic Co-operation and Development of 14 December 1960 (hereinafter referred to as the OECD Convention);

HAVING REGARD to the provisions of the OECD Convention, in particular Article 5 c);

HAVE AGREED as follows:

ACCORD

ENTRE LE GOUVERNEMENT DE LA RÉPUBLIQUE DU CHILI
ET L'ORGANISATION DE COOPÉRATION ET DE DÉVELOPPEMENT
ÉCONOMIQUES RELATIF AUX PRIVILÈGES, IMMUNITÉS
ET FACILITÉS ACCORDÉS À L'ORGANISATION

LE GOUVERNEMENT DE LA RÉPUBLIQUE DU CHILI ET L'ORGANISATION
DE COOPÉRATION ET DE DÉVELOPPEMENT ÉCONOMIQUES
(CI-APRÈS DÉNOMMÉS LES PARTIES),

VU le fait que l'Organisation de coopération et de développement économiques est établie en tant qu'organisation internationale en application de la Convention relative à l'Organisation de coopération et de développement économiques du 14 décembre 1960 (ci-après dénommée la Convention de l'OCDE) ;

VU les dispositions de la Convention de l'OCDE, en particulier son article 5 c) ;

SONT CONVENU de ce qui suit :

Article 1

For the purposes of this Agreement:

- (a) “Government” means the Government of the Republic of Chile (hereinafter referred to as “Chile”);
- (b) “Organisation” means the Organisation for Economic Co-operation and Development and all the entities or agencies functioning under its framework;
- (c) “officials” means the categories of staff to which the provisions of this Agreement apply as specified by the Secretary-General of the Organisation.
- (d) “premises of the Organisation” means buildings or parts thereof (including the land ancillary thereto), utilised permanently or temporarily for official purposes of the Organisation;
- (e) “property of the Organisation” means all property, including funds and assets, belonging to the Organisation or held or administered by the Organisation or on its behalf;
- (f) “archives of the Organisation” means all records and correspondence, documents and other material, including tapes and films, sound recordings, computer software and written material, video tapes and discs or support storing any information or material belonging to or held by the Organisation or on its behalf;
- (g) “Members” means countries which are Members of the Organisation or other entities which participate in the work of the Organisation in pursuance of Article 13 of the OECD Convention;
- (h) “non member participants” means countries or economies which are not Members of the Organisation, or international organisations which have received an invitation from the Organisation to participate, as observers or on any other basis, in a meeting convened by the Organisation;
- (i) “representatives” means all delegates, alternates, advisers, technical experts and secretaries of delegations of Members or non member participants;
- (j) “meeting convened by the Organisation” means any meeting of a body of the Organisation, and any other meeting, conference, seminar or gathering convened by the Organisation;
- (k) “experts” means persons other than those mentioned in paragraph c) of this Article, who are appointed by the Organisation to carry out missions for the Organisation;

- (l) “charges for pension or social security purposes” means all charges related to pension or social security coverage, whether or not such charges are related to the employment of officials by the Organisation and including all charges related to pensions or retirement benefits, unemployment benefits, health insurance and family benefits.

Article 2

The present Agreement shall apply throughout the territory of Chile.

Article 3

The Organisation possesses juridical personality. It has the capacity to conclude contracts, to acquire and dispose of movable and immovable property and to institute legal proceedings.

Article 4

The Organisation shall be granted the privileges, exemptions and immunities provided for in this Agreement and any more favourable privilege, exemption and immunity which the Government has agreed to grant to an international organisation of a similar kind providing that the more favourable privilege, exemption or immunity can be granted by the Government under its own authority.

Article 5

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

Article 6

The property of the Organisation, wherever located and by whomsoever held, shall not be subject to search, requisition, confiscation, expropriation or any other form of interference whether by administrative, judicial or legislative action.

Article 7

1. The premises of the Organisation, including premises utilised by the Organisation for the duration of a meeting convened by the Organisation, shall be inviolable and shall be under its exclusive control and authority.
2. The Government shall take appropriate measures to ensure the security of the Organisation’s premises; in particular, it shall prevent any person, or group of persons from penetrating without authorisation into the premises or causing disorder in the immediate vicinity thereof.

Article 8

The archives of the Organisation, and more generally all documents belonging to it or held by it, shall be inviolable wherever located.

Article 9

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

- (a) the Organisation may hold currency of any kind and operate accounts in any currency;
- (b) the Organisation may freely transfer its funds within, into and out of the territory of Chile and convert any currency held by it into any other currency under the same conditions as those which apply to other international organisations or to any foreign government.

Article 10

1. The Organisation and its property shall be exempt from:

- (a) any form of direct taxation including charges for pension or social security purposes; however, the Organisation will not claim exemption from rates and taxes which constitute no more than a payment for public utilities;
- (b) customs duties, prohibitions and restrictions in respect of goods imported or exported by the Organisation for its own functioning or in pursuance of its activities, on the understanding that such imported goods will not be sold in Chile, except under conditions agreed with the Government;
- (c) customs duties, prohibitions and restrictions in respect of import and export of publications or any taxes in respect of the sales of its publications or other goods produced or services provided by it.

2. Any form of indirect taxation, including taxes forming part of the price to be paid, for important purchases of goods and services by the Organisation for its own functioning or in pursuance of its activities shall be reimbursed to the Organisation by the Government.

Article 11

1. The Organisation shall enjoy, for its official communications, treatment not less favorable than that accorded by Chile to any international organisation or foreign government, including its diplomatic mission, in the matter of priorities, rates and taxes on mails, cables, telegrams, radiograms, telephotos, telefaxes, telephone, electronic communications and other communications and press rates for information to the press and radio. No censorship shall be applied to the correspondence and other communications of the Organisation.

2. The Organisation shall enjoy the right, for its communications, to use codes and to send and receive correspondence and other papers and documents by courier.

Article 12

Essential public services shall be made available to the Organisation on the same basis and conditions as those which apply to diplomatic missions in Chile.

Article 13

1. Representatives of Members and non member participants in the OECD Council or in any other body of the Organisation or participating in a meeting convened by the Organisation shall, while exercising their functions in Chile and during their journey to and from the place of meeting, enjoy the privileges, immunities and facilities provided for by Article IV sections 11 and 12 of the Convention on the Privileges and Immunities of the United Nations of 13 February 1946.

2. Privileges, immunities and facilities are accorded to the representatives of Members and non member participants in order to safeguard their functions in connection with the Organisation and not for their personal benefit. Consequently, a Member or a non member participant has not only the right but also the duty to waive the immunity of its representative in any case where, in the opinion of the Member or non member participant, the immunity would impede the course of justice, and it can be waived without prejudice to the purpose for which the immunity is accorded.

Article 14

1. Officials of the Organisation shall:

- (a) enjoy immunity from arrest and detention for acts performed in their official capacity and from seizure of their baggage and other belongings;
- (b) enjoy immunity from legal process for words spoken or written and acts performed in their capacity of official of the Organisation or in the context of their employment with the Organisation; they shall continue to be so immune after completion of their functions as officials of the Organisation;
- (c) be exempt from any form of direct taxation, including charges for pension or social security purposes, on salaries, emoluments, indemnities, pensions or other element of remuneration paid to them by the Organisation;
- (d) be exempt, together with members of their families, as recognised by the Organisation, from immigration restrictions and alien registration;

- (e) be exempt from the national military service;
- (f) enjoy, together with members of their families, as recognised by the Organisation, the same benefits in respect of repatriation in cases of international crisis as members of diplomatic missions;
- (g) have the same right to import free of duty their furniture and effects at the time of first taking up their post as Chile accords to diplomatic agents of comparable rank;
- (h) have the same right to import free of duty motor vehicles as Chile accords to diplomatic agents of comparable rank;
- (i) be accorded the same privileges in respect of currency and exchange as are accorded to diplomatic agents of comparable rank;
- (j) be exempt from any obligation to deposit security payable in respect of goods temporarily admitted into Chile;
- (k) enjoy the right, for the purpose of communicating with the Organisation, to use codes and to send and receive correspondence and other papers and documents by courier.

2. Subparagraphs 1(g) and 1(h) above shall not apply to Chilean nationals who are resident in Chile at the time of their posting in Chile by the OECD.

Article 15

In addition to the privileges, immunities and facilities mentioned in Article 14:

- (a) the Secretary-General of the Organisation shall enjoy the privileges, immunities and facilities granted to the heads of diplomatic missions; the members of his/her family shall enjoy the privileges, immunities and facilities granted to the members of family forming part of the household of heads of diplomatic missions;
- (b) the Deputy and Assistant Secretaries-General shall enjoy the privileges, immunities and facilities granted to diplomatic agents of comparable rank; the members of their families shall enjoy the privileges, immunities and facilities granted to the members of family forming part of the household of diplomatic agents of comparable rank.

Article 16

Experts performing missions for the Organisation and individuals invited to participate in a meeting convened by the Organisation, shall enjoy, in the territory of Chile, such privileges, immunities and facilities as are necessary for the independent exercise of their functions during the period of their missions, including time spent on journeys in connection with their missions. In particular, experts shall enjoy:

- (a) immunity from personal arrest or detention and from seizure of their baggage and other belongings;
- (b) immunity from legal process in respect of words spoken or written, and of all acts done in the performance of their mission; such immunity shall continue after the completion of their mission;
- (c) inviolability for all papers and documents;
- (d) the right, for the purpose of communicating with the Organisation, to use codes and to send and receive correspondence and other papers and documents by courier;
- (e) the same facilities with respect to currency and exchange restrictions as are accorded to a representative of a foreign government on temporary official mission;
- (f) exemption from any obligation to deposit security payable in respect of goods temporarily admitted into Chile.

Article 17

Privileges, immunities and facilities are granted to officials and experts in the interest of the Organisation and not for the sake of personal profit. The Secretary-General of the Organisation shall have the right and duty to waive the immunity of any official or expert where, in his exclusive opinion, the immunity of this official or expert would impede the course of justice and can be waived without prejudice to the interests of the Organisation. In the case of the Secretary-General and the Deputy and Assistant Secretaries-General of the Organisation, the Council of the Organisation shall have the right to waive immunity.

Article 18

The Organisation shall co-operate at all times with the Government to facilitate the proper administration of justice and prevent the occurrence of any abuse in connection with the privileges, immunities, exemptions and facilities mentioned in this Agreement.

Article 19

The Government shall take all appropriate measures to facilitate the entry into, stay in, and exit from the territory of Chile, and to ensure the freedom of movement within such territory of representatives of Members and non member participants, officials and experts of the Organisation and any other person invited by the Organisation for official purposes.

Article 20

In order to enable the Organisation to fully and efficiently discharge its responsibilities and fulfil its tasks:

- (a) the Government shall assist the Organisation in resolving any difficulty the Organisation may encounter with the procurement of goods, services and facilities in the territory of Chile and in ensuring effective respect for the privileges, immunities and facilities accorded to it; and
- (b) the Government shall reimburse or compensate the Organisation for costs or losses incurred as a result of the failure of any public authority of Chile to respect the privileges, immunities or facilities set out in this Agreement or granted in its pursuance.

Article 21

This Agreement shall be interpreted and applied in the light of its primary purpose, which is to enable the Organisation to fully and efficiently discharge its responsibilities and fulfil its tasks.

Article 22

1. The Parties shall attempt to settle any dispute as to the interpretation or application of this Agreement by negotiations or by any other mutually agreed method.
2. If the dispute is not settled in accordance with paragraph 1 within a period of sixty days, it shall, at the request of either Party, be referred to arbitration.
3. The arbitral tribunal shall be composed of three arbitrators. Each Party shall choose one arbitrator and the third, who shall be the Chair of the tribunal, shall be chosen jointly by the Parties. If the tribunal is not constituted within three months from the request for arbitration, the appointment of the arbitrator(s) not yet designated shall be made by the President of the International Court of Justice
4. The tribunal shall apply the provisions of the present Agreement as well as the principles and rules of international law and its award shall be final and binding on both Parties.

Article 23

1. This Agreement shall enter into force on the date on which the Government shall have informed the Organisation of the completion of the domestic requirements for its entry into force.
2. If Chile ceases to be a party to the Convention on the Organisation for Economic Co-operation and Development, the present Agreement may be terminated by mutual consent or by written notice of termination by either party. Such written notice of termination shall take effect no earlier than one year after receipt of the notice by the other Party.

Article 24

As from the date of its signature, and pending its entry into force, this Agreement shall be applied on a provisional basis to the fullest possible extent.

Article 25

The Parties may enter into any supplementary agreements as may be necessary within the scope of this Agreement.

Done in Paris this 28th day of May 2009 in the English, French and Spanish languages, each text being authentic. In case of divergence between the texts, the English text shall prevail.

Fait à Paris le 28^e jour de mai 2009 en anglais, français et espagnol, les trois versions faisant également foi. En cas de divergence entre les versions, la version anglaise prévaut.

For the Government
of the Republic of Chile:

Pour le Gouvernement
de la République du Chili :

For the Organisation for Economic
Co-operation and Development:

Pour l'Organisation de Coopération
et de Développement Économiques :

Andrés VELASCO BRAÑES

Minister of Finances
Ministre des Finances

Angel GURRÍA

Secretary-General
Secrétaire général