

# AGREEMENT

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

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

HAVING REGARD to the provisions of the Convention on the Organisation for Economic Co-operation and Development of 14 December 1960 (hereinafter “the OECD Convention”), in particular Article 5 c);

HAVE AGREED as follows:

# ACCORD

ENTRE LE GOUVERNEMENT DE L'ÉTAT D'ISRAËL  
ET L'ORGANISATION DE COOPÉRATION ET DE DÉVELOPPEMENT  
ÉCONOMIQUES RELATIF AUX PRIVILÈGES, IMMUNITÉS  
ET FACILITÉS ACCORDÉS À L'ORGANISATION

LE GOUVERNEMENT DE L'ÉTAT D'ISRAËL ET L'ORGANISATION  
DE COOPÉRATION ET DE DÉVELOPPEMENT ÉCONOMIQUES  
(CI-APRÈS DÉNOMMÉS « LES PARTIES »),

VU les dispositions 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 »), en particulier son article 5 c) ;

SONT CONVENUS de ce qui suit :

## Article 1

For the purposes of this Agreement:

- (a) "Government" means the Government of the State of Israel;
- (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.
- (d) "premises of the Organisation" means buildings or parts thereof (including the land ancillary thereto), exclusively 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) “international organisations” means intergovernmental organisations, the Business and Industry Advisory Committee to the OECD, the Trade Unions Advisory Committee to the OECD and any other non-governmental organisations formally invited to participate as experts or observers in OECD bodies or in OECD meetings in accordance with the rules of the Organisation;
- (m) “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 relating to pensions or retirement benefits, unemployment benefits, health insurance and family benefits”.

#### **Article 2**

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

#### **Article 3**

Upon a request by the Organisation, the Government shall seek to accord to the Organisation any more favourable privilege, exemption and immunity which the Government subsequently agrees to provide to another 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 4**

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, for which a separate waiver shall be necessary.

#### **Article 5**

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 6**

1. The premises of the Organisation shall be inviolable.
2. The Government is responsible for maintaining public order and security in the State of Israel. Where circumstances warrant, the Government shall examine the necessity of ensuring the security of the Organisation’s activities and take the appropriate measures.

### **Article 7**

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

### **Article 8**

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 the territory of Israel;and
- (c) the Organisation may freely convert any currency held by it into any other currency.

### **Article 9**

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) duties, prohibitions or restrictions in respect of import or export of goods purchased 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 Israel, except under conditions agreed with the Government;
- (c) customs duties, restrictions or prohibitions 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 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. This provision will apply only when the total price paid for such goods and services is equal to or exceeds 500 United States dollars.

## **Article 10**

1. The Organisation shall enjoy, for its official communications, treatment not less favourable than that accorded by Israel 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 11**

In order to enable the Organisation to discharge fully and efficiently 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 Israel and in ensuring an effective respect for the privileges, immunities and facilities accorded to it; and
- (b) essential public services shall be made available to the Organisation on the same basis and conditions as those which apply to diplomatic missions in Israel.

## **Article 12**

1. Representatives of Members and non member participants in the OECD Council or in any other organ of the Organisation or participating in a meeting convened by the Organisation shall, while exercising their functions and during their journey to and from the place of meeting, enjoy the following privileges and immunities:

- (a) immunity from personal arrest or detention and from seizure of their personal baggage, and in respect of words spoken or written and all acts done by them in their official capacity as representatives, immunity from legal process of every kind;
- (b) inviolability for all papers and documents;
- (c) exemption in respect of themselves and their spouses from immigration restrictions, alien registration or national service obligations in the state they are visiting or through which they are passing in the exercise of their functions;
- (d) the same facilities in respect of currency or exchange restrictions as are accorded to representatives of foreign governments on temporary official mission;

- (e) the same immunities and facilities in respect of their personal baggage as are accorded to diplomatic envoys, and also;
- (f) such other privileges, immunities and facilities not inconsistent with the foregoing as diplomatic envoys enjoy, except that they shall have no right to claim exemption from customs duties on goods imported (otherwise than as part of their personal baggage) or from excise duties or sales taxes.

2. In order to secure for representatives of Members and non member participants complete freedom of speech and independence, the immunity from legal process in respect of words spoken or written and all acts done by them in discharging their duties or presenting their position shall continue to be accorded, notwithstanding that the persons concerned are no longer the representatives of Members or non member participants.

3. 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.

4. This Article shall not apply to representatives of the State of Israel.

### **Article 13**

1. Officials of the Organisation shall:

- (a) enjoy immunity from arrest or 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 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 right to import free of duty or tax their furniture and effects at the time of first taking up their post in Israel;
- (h) be accorded the same privileges in respect of currency and exchange as are accorded to diplomatic agents of comparable rank;
- (i) be exempt from any obligation to deposit security payable in respect of goods temporarily admitted into Israel on the understanding that such goods will not be sold or left in Israel except under conditions agreed with the Government.

2. There shall be the following exceptions to the provisions of paragraph 1 of the present Article:

- (a) Sub-paragraph 1(e) of this Article shall not apply to nationals or permanent residents of the State of Israel.
- (b) Sub-paragraph 1(g) of this Article shall not apply to any national or permanent resident of the State of Israel who is resident in Israel at the time of his/her posting in Israel by the Organisation.

#### **Article 14**

1. In addition to the privileges, immunities and facilities mentioned in Article 13, the Secretary-General of the Organisation, his/her spouse or partner and children under the age of 18, shall enjoy the privileges, immunities and benefits granted to the heads of diplomatic missions.

2. The Deputy and Assistant Secretaries-General, their spouses or partner and children under the age of 18, shall enjoy the privileges, immunities and facilities granted to diplomatic agents of comparable rank.

#### **Article 15**

Experts performing missions for the Organisation or formally invited, in accordance with the rules of the Organisation, to a meeting convened by the Organisation shall enjoy, in the territory of Israel, 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 acts done in the course of the performance of their mission; such immunity shall continue to be accorded notwithstanding that the mission has been completed;

- (c) inviolability for all papers and documents;
- (d) the same facilities with respect to currency and exchange restrictions as are accorded to a representative of a foreign government on temporary official mission.
- (e) exemption from any obligation to deposit security payable in respect of goods temporarily admitted in Israel on the understanding that such goods will not be sold or left in Israel except under conditions agreed with the Government.

#### **Article 16**

Privileges, immunities and benefits 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 17**

The Government shall take all appropriate measures to facilitate the entry into, stay in, and exit from the territory of Israel, and to facilitate the freedom of movement within such territory of representatives of Members and non member participants, officials and experts of the Organisation.

#### **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**

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 while working in cooperation with Israel.

#### **Article 20**

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 from the request by either Party to settle it, 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 Secretary-General of the Permanent Court of Arbitration at the request of either Party.

4. The procedure and place for the arbitration shall be agreed to by both parties. The language to be used in the arbitral proceedings shall be English.

5. 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 21**

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 Israel ceases to be a party to the OECD Convention, 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 22**

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 23**

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

Done in duplicate in Jerusalem on this 19th day of January 2010, corresponding to the 4th day of Shvat of the year 5770 in the Hebrew calendar, in the English, French and Hebrew languages, each text being authentic. In case of divergence between the texts, the English text shall prevail.

Fait à Jérusalem, le 19ème jour de janvier 2010, correspondant au 4ème jour de Shvat de l'an 5770 dans le calendrier hébreu, en deux originaux, en anglais, français et hébreu, les trois versions faisant également foi. En cas de divergence entre les versions, la version anglaise prévaut.

For the Government  
of the State of Israel:

Pour le gouvernement  
de l'État d'Israël:



Avigdor LIBERMAN

Deputy Prime Minister and  
Minister of Foreign Affairs  
Premier ministre adjoint et  
Ministre des affaires étrangères

For the Organisation for Economic  
Co-operation and Development:

Pour l'Organisation de coopération  
et de développement économiques:



Angel GURRÍA

Secretary-General  
Secrétaire général

