

No. 50018

**Austria
and
International Anti-Corruption Academy**

Agreement between the Republic of Austria and the International Anti-Corruption Academy (IACA) regarding the seat of the International Anti-Corruption Academy in Austria (with annex). Vienna, 10 October 2011

Entry into force: *1 August 2012, in accordance with article 23*

Authentic texts: *English and German*

Registration with the Secretariat of the United Nations: *Austria, 22 August 2012*

**Autriche
et
Académie internationale de lutte contre la corruption**

Accord entre la République d'Autriche et l'Académie internationale de lutte contre la corruption relatif au siège de l'Académie internationale de lutte contre la corruption en Autriche (avec annexe). Vienne, 10 octobre 2011

Entrée en vigueur : *1^{er} août 2012, conformément à l'article 23*

Textes authentiques : *anglais et allemand*

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : *Autriche, 22 août 2012*

[ENGLISH TEXT – TEXTE ANGLAIS]

AGREEMENT
BETWEEN THE REPUBLIC OF AUSTRIA
AND
THE INTERNATIONAL ANTI-CORRUPTION ACADEMY (IACA)
REGARDING THE SEAT OF THE INTERNATIONAL ANTI-CORRUPTION
ACADEMY IN AUSTRIA

Preamble

The Republic of Austria and the International Anti-Corruption Academy (hereinafter referred to as the "Academy")

HAVING REGARD to the Agreement for the Establishment of the International Anti-Corruption Academy as an International Organization of 2 September 2010 (hereinafter referred to as the "Agreement Establishing the Academy");

WITH REGARD to the commitment of the Academy to the highest academic and educational standards;

NOTING that Article III of the Agreement Establishing the Academy provides that the Academy shall be located in Laxenburg, Austria;

DESIRING to define the status, privileges and immunities of the Academy in the Republic of Austria and to enable the Academy to fulfil its purposes and functions;

CONSIDERING the assistance provided by the Republic of Austria for the establishment and operation of the Academy;

HAVE AGREED as follows:

Article 1
Definitions

For the purpose of this Agreement:

- a) "Agreement Establishing the Academy" means the Agreement for the Establishment of the International Anti-Corruption Academy as an International Organization of 2 September 2010, entered into force on 8 March 2011, and any amendments thereto;

- b) "Austrian authorities" means such federal, state, municipal or other authorities in the Republic of Austria as may be appropriate in the context, and in accordance with the laws and customs applicable in the Republic of Austria;
- c) "Academy" means the International Anti-Corruption Academy;
- d) "Staff members of the Academy" means the academic and administrative employees of the Academy as well as all persons seconded by a Government or an international organization to the Academy, but does not include those employees who are locally recruited and assigned to hourly rates;
- e) "Official activities" means any activities necessary for carrying out the purpose of the Academy as set forth in the Agreement Establishing the Academy;
- f) "Official visitors" means representatives of Governments and international organizations co-operating with the Academy as well as visiting experts, including visiting lecturers, who are invited by the Academy;
- g) "Official documents, data and other material" means such documents, data and other items used by the Academy for carrying out the purpose of the Academy.

Article 2

Legal capacity and status

(1) The Republic of Austria recognizes the legal capacity of the Academy within Austria, in particular its capacity:

- a) to contract;
- b) to acquire and dispose of immovable and movable property;
- c) to institute and respond to legal proceedings; and
- d) to take such other action as may be necessary or useful for its purpose and activities.

(2) The spectrum of the Academy's offers for studies and education shall, inter alia, comprise:

- a) Bachelor's programmes on the basis of a completed secondary school education;
- b) Master's programmes on the basis of a completed Bachelor's programme;
- c) PhD programmes on the basis of a completed Master's or Diploma programme;
- d) Courses, seminars, training courses and conferences.

(3) Insofar as the eligibility of an applicant to study seems to be undoubtedly proven on the basis of his/her individual qualifications and his/her professional career, the Academy may in exceptional cases consider admission to a study programme listed in Paragraph. 2 litera a) or b) without the fulfillment of the criteria mentioned there; in that case supplementary examination shall be applied.

(4) With regard to the study programmes listed in Paragraph 2, the Republic of Austria recognizes the Academy as an institution of post-secondary education with all legal consequences being associated with, that due to Austrian law, in that the study programmes passed and academic degrees awarded, shall be treated equivalent to those at educational institutions which have been accredited in accordance with the Bologna process.

(5) For the purpose of safeguarding the highest standards of academic quality, the Academy intends to undergo periodic processes for quality assurance, in particular peer reviews.

Article 3

Seat

(1) The seat of the Academy shall comprise the land, installations and offices that the Academy occupies for its activities. Its area shall be defined by common understanding between the Academy and the Government of the Republic of Austria.

(2) All office and conference premises in Austria used with the agreement of the Government for meetings convened by the Academy shall be deemed temporarily to form part of the seat.

Article 4

Inviolability of the seat

(1) The seat of the Academy shall be inviolable. No officer or official of the Republic of Austria, or other person exercising any public authority within the Republic of Austria, may enter the seat to perform any duties except with the consent of, and under conditions approved by, the Dean of the Academy. However, in the event of fire or other such emergency, such consent shall be deemed to have been given if immediate protective measures are required.

(2) Except as otherwise provided in this Agreement and subject to the power of the Academy to make regulations, the laws of the Republic of Austria shall apply within the seat.

(3) Instruments issued by Austrian authorities may be served at the seat premises.

Article 5
Immunity from jurisdiction and other actions

(1) The Academy shall have immunity from jurisdiction and enforcement, except:

- a) to the extent that, subject to Article 20 (2), the Academy shall have expressly waived such immunity in a particular case;
- b) in the case of civil action brought by a third party for damages resulting from an accident caused by a motor vehicle belonging to, or operated on behalf of, the Academy, or in respect of any infringement of regulations governing the keeping, operation and use of motor vehicles.

(2) Without prejudice to paragraphs 1 and 3, the property and assets of the Academy, wherever situated, shall be immune from any form of seizure, confiscation, expropriation and sequestration.

(3) The property and assets of the Academy shall also be immune from any form of administrative or provisional judicial restraint.

(4) With regard to any dispute between the Academy and a private party the Academy agrees that these shall be finally settled by a tribunal composed of a single arbitrator appointed by the Secretary General of the Permanent Court of Arbitration in accordance with the relevant Optional Rules for Arbitration involving international organizations and private parties. The tribunal shall decide a dispute in accordance with such rules of law as may be agreed by the parties. In the absence of such agreement, the tribunal shall apply such rules of international law and general principles of law as may be applicable. Matters concerning the interpretation of the Agreement Establishing the Academy shall not be within the competence of the tribunal.

Article 6
Inviolability of archives

The archives of the Academy shall be inviolable.

Article 7
Protection of the seat

The Austrian authorities shall exercise due diligence to ensure that the tranquillity of the seat of the Academy is not disturbed by any person or group of persons attempting unauthorized entry into the seat.