

No. 54636*

**Peru
and
Organisation for Economic Co-operation and Development**

**Agreement between the Republic of Peru and the Organisation for Economic Co-operation and Development on the privileges, immunities and facilities granted to the organisation.
Lima, 14 October 2016**

Entry into force: *2 June 2017 by notification, in accordance with article 23*

Authentic texts: *English, French and Spanish*

Registration with the Secretariat of the United Nations: *Peru, 21 August 2017*

**No UNTS volume number has yet been determined for this record. The Text(s) reproduced below, if attached, are the authentic texts of the agreement /action attachment as submitted for registration and publication to the Secretariat. For ease of reference they were sequentially paginated. Translations, if attached, are not final and are provided for information only.*

**Pérou
et
Organisation de coopération et de développement économiques**

**Accord entre la République du Pérou et l'Organisation de coopération et de développement économiques relatif aux privilèges, immunités et facilités accordés à l'organisation.
Lima, 14 octobre 2016**

Entrée en vigueur : *2 juin 2017 par notification, conformément à l'article 23*

Textes authentiques : *anglais, français et espagnol*

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : *Pérou, 21 août 2017*

**Aucun numéro de volume n'a encore été attribué à ce dossier. Les textes disponibles qui sont reproduits ci-dessous sont les textes originaux de l'accord ou de l'action tels que soumis pour enregistrement. Par souci de clarté, leurs pages ont été numérotées. Les traductions qui accompagnent ces textes ne sont pas définitives et sont fournies uniquement à titre d'information.*

[ENGLISH TEXT – TEXTE ANGLAIS]

**AGREEMENT
BETWEEN THE REPUBLIC OF PERU AND THE
ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT
ON THE PRIVILEGES, IMMUNITIES AND FACILITIES
GRANTED TO THE ORGANISATION**

**THE REPUBLIC OF PERU AND THE ORGANISATION FOR ECONOMIC
CO-OPERATION AND DEVELOPMENT
(HEREINAFTER REFERRED TO AS “THE PARTIES”),**

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

CONSIDERING that on 8 December 2014 the Republic of Peru and the Organisation for Economic Co-operation and Development have signed an Agreement and a Memorandum of Understanding concerning a Country Programme in order to develop new forms of partnership and collaboration with the aim of improving the well-being of citizens of both the Republic of Peru and the Member countries of the Organisation;

HAVE AGREED as follows:

Article 1

For the purposes of this Agreement:

- (a) "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, discs and multimedia supports, either in conventional or in digital form, or any other support storing any information or material belonging to or held by the Organisation or on its behalf;
- (b) "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;
- (c) "experts" means persons other than those mentioned in paragraph (h) of this Article, who are appointed by the Organisation to carry out missions for the Organisation;
- (d) "Government" means the Government of the Republic of Peru (hereinafter referred to as "Peru");
- (e) "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, including meetings organised jointly with other entities;
- (f) "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 Convention on the Organisation;
- (g) "non-Member participants" means countries, economies or international organisations which are not Members of the Organisation and which have received an invitation from the Organisation to participate in a meeting convened by the Organisation;
- (h) "officials" means the categories of staff to which the provisions of this Agreement apply as specified by the Secretary-General of the Organisation;
- (i) "Organisation" means the Organisation for Economic Co-operation and Development and all the entities or agencies functioning under its framework;
- (j) "premises of the Organisation" means buildings or parts thereof (including the land ancillary thereto), utilised permanently or temporarily for official purposes of the Organisation;
- (k) "property of the Organisation" means all property, including income, funds and assets, belonging to the Organisation or held or administered by the Organisation or on its behalf;

- (l) "representatives" means all delegates, alternates, advisers, technical experts and secretaries of delegations of Members or non-Member participants.

Article 2

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

Article 3

The Organisation shall be granted the privileges, exemptions and immunities provided for in this Agreement.

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.

Article 5

The property of the Organisation, wherever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation or any other form of interference whether by executive, administrative, judicial or legislative action.

Article 6

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 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 of the territory of Peru and 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; however, the Organisation will not claim exemption from rates and taxes which constitute no more than a payment for public utilities;
 - (b) customs duties in respect of goods imported and 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 Peru, except under conditions agreed with the Government;
 - (c) customs duties in respect of import and export of publications or other goods produced by it.
2. Any form of indirect taxation, including taxes forming part of the price to be paid on goods and services purchased by the Organisation, such as value added tax, shall be reimbursed without delay to the Organisation by the Government, on the Organisation's request, under the conditions provided by the laws and regulations of Peru to international organisations established in Peru.
3. The Organisation shall pay charges for pension or social security purposes only if the Organisation requests that its officials enjoy the Peruvian pension or social security system.
4. The Government shall take all appropriate measures to avoid prohibitions or restrictions in respect of publications or other goods imported and exported by the Organisation only for its own functioning or in pursuance of its activities, except for goods which are prohibited or restricted pursuant to the Peruvian Criminal Code and sanitary and phytosanitary legislation.

Article 10

1. The Organisation shall enjoy, for its official communications, treatment not less favourable than that accorded by Peru 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 official correspondence and other official 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.