AGREEMENT BETWEEN

THE AUSTRIAN FEDERAL GOVERNMENT

AND

THE NORTH ATLANTIC TREATY ORGANIZATION (NATO)

ON

THE LEGAL STATUS OF THE LIAISON OFFICE IN VIENNA

The Austrian Federal Government (hereinafter referred to as the "Government"), on the one side, and the North Atlantic Treaty Organization (hereinafter referred to as the "Organization"), on the other side;

NOTING that the Organization has established a liaison office in Vienna;

CONVINCED that such liaison office significantly contributes to the further development and strengthening of the cooperation between the Organization and international organisations having their seat in the Republic of Austria;

DESIRING to define the status, privileges and immunities of such liaison office in the Republic of Austria and to enable the liaison office and its officials to fulfill its purposes and functions;

HAVE AGREED as follows:

Article 1

DEFINITIONS

For the purpose of this Agreement:

(a) "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;

(b) "Organization" means the North Atlantic Treaty Organization;

(c) "Office" means the liaison office representing the Organization in the Republic of Austria;

(d) "Head of Office" means the head of the Office;

(e) "Official Activities" means any activities necessary for carrying out the purpose of the Office;

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(f) "Officials of the Office" means all staff members of the Office, including all persons serving with the Organization, a Government or an international organization, who are seconded to work at, or otherwise are assigned to or attached to the Office, except those who are both locally recruited and assigned to hourly rates;

(g) "Representatives" means representatives of the States Parties to the North Atlantic Treaty done in Washington on 4 April 1949 or of the States which accepted the invitation to Partnership for Peace issued and signed by the Heads of State and Government of the member States of the North Atlantic Treaty Organisation in Brussels on 10 January 1994 and which subscribe to the Partnership for Peace Framework Document.

Article 2

LEGAL CAPACITY

The Government recognizes the international juridical personality of the Organization and its legal capacity within the Republic of Austria.

Article 3

INVIOLABILITY OF THE PREMISES

(1) The premises of the Office 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 premises to perform any duties except with the consent of, and under conditions approved by, the Head of Office. However, and without prejudice to privileges and immunities that might apply to the premises under the Vienna Convention on Diplomatic Relations, 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 right of the Organization to make regulations including employment rules and policies governing its Officials, Austrian law shall apply within the premises of the Office.

(3) Without prejudice to privileges and immunities that might apply to the premises under the Vienna Convention on Diplomatic Relations, legal instruments issued by Austrian Authorities may be served at the premises of the Office.

Article 4

INVIOLABILITY OF ARCHIVES

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

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Article 5

IMMUNITY FROM JURISDICTION AND OTHER ACTIONS

(1) The Office shall enjoy immunity from jurisdiction and every other form of legal process, except:

(a) to the extent that the Organization shall have expressly waived such immunity in a particular case;

(b) in the case of civil action brought by a third party for damage resulting from an accident caused by a motor vehicle belonging to, or operated on behalf of, the Office, or in respect of any infringement of regulations governing the keeping, operation and use of motor vehicles;

(c) in the case of attachment, pursuant to a decision by the judicial authorities, of the salary, emoluments or indemnities owed by the Organization to an employee of the Office, unless the Organization informs the Austrian Authorities within 14 days of the date on which it is notified of said decision by the Austrian Authorities that it does not waive its immunity.

(2) Notwithstanding paragraph 1 (c) above, it is understood that no waiver of immunity from jurisdiction shall extend to any measures of execution or detention of property and assets of the Organization.

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

(4) Unless an alternative dispute settlement mechanism has been agreed, any dispute involving the Office and a private party 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 North Atlantic Treaty as well as employment disputes shall not be within the competence of the tribunal. Employment disputes between the Organization and its employees shall be settled by an effective dispute resolution mechanism that protects the rights of the employees pursuant to the Organization´s internal regulations.

Article 6

COMMUNICATIONS

(1) The Office shall be able to send and receive communications in connection with its Official Activities without censorship or other interference.

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(2) The Office shall enjoy in the Republic of Austria, for its official communications and the transfer of all its documents, treatment not less advantageous than the most favourable treatment accorded by the Republic of Austria to any international organization, in the matter of priorities, rates and surcharges on mail, cables, radiogrammes, telefax, telephone and other forms of communication.

(3) The Office shall have the right to use codes and to dispatch and receive correspondence by courier or in sealed bags, which shall have the same immunities and privileges as diplomatic couriers and bags.

Article 7

FREEDOM FROM TAXATION AND CUSTOMS DUTIES

The Office, its assets, income and other property shall be exempt:

(a) from all direct taxes; it is understood, however, that the Office shall not claim exemption from taxes which are in fact no more than charges for public utility services;

(b) from all indirect taxes included in the prices of goods or services supplied to the Office; these taxes shall be refunded to the Office insofar as Austrian law makes provision to that effect for foreign diplomatic missions;

(c) from customs duties and other charges provided these are not simply charges for public utility services and prohibitions and restrictions on imports and exports in respect of articles, including motor vehicles and spare parts thereof, imported or exported by the Office for its official use; it is understood, however, that articles imported under such exemption shall not be ceded or transferred by the Office to third parties in the Republic of Austria within two years of their importation or acquisition;

(d) from all customs duties and quantitative restrictions on imports and exports in respect of its publications;

(e) from all taxes, recording charges and court fees in respect of all transactions to which the Office is a party and all documents recording such transactions.

Article 8

FINANCIAL FACILITIES

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

(a) purchase and receive through authorized channels, hold and dispose of any currencies or securities;

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(b) open and operate bank accounts in any currency;

(c) transfer its funds, securities and currencies to, from or within the Republic of Austria.

Article 9

SOCIAL SECURITY

(1) The Office and the Officials of the Office shall be exempt from all compulsory contributions to any social security scheme in the Republic of Austria.

(2) The Officials of the Office shall be exempt from the application of Austrian social security laws.

Article 10

TRANSIT AND RESIDENCE

(1) The Government shall, in accordance with Austrian law, take all necessary measures to facilitate the entry into, and sojourn in, the Republic of Austria of the persons listed below, shall allow them to leave the Republic of Austria without interference and shall ensure that they can travel unimpeded to or from the premises of the Office, affording them any necessary protection when so travelling:

(a) the Head of Office and members of his or her family forming part of his or her household;

(b) Officials of the Office and members of their families forming part of their household;

(c) Representatives.

(2) Visas which may be required by persons referred to in paragraph (1) shall be granted free of charge and as promptly as possible, in accordance with Austrian law.

(3) No activity performed by any person referred to in paragraph (1) in their official capacity with respect to the Office shall constitute a reason for preventing or restricting their entry into, or their departure from, the Republic of Austria.

(4) The Republic of Austria shall be entitled to require reasonable evidence to establish that persons claiming the rights granted by this Article fall within the categories described in paragraph (1), and to require compliance in a reasonable manner with quarantine and health regulations.

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Article 11

OFFICIALS OF THE OFFICE

(1) Officials of the Office shall enjoy, within and with respect to the Republic of Austria, the following privileges and immunities:

(a) immunity from jurisdiction in respect of words spoken or written and all acts performed by them in their official capacity; this immunity shall continue to apply even after the persons concerned have ceased to be Officials of the Office;

(b) immunity from the seizure of their personal and official baggage;

(c) immunity from inspection of official baggage, and, if the persons come within the scope of Article 12, immunity from inspection of personal baggage;

(d) exemption from taxation in respect of the salaries and emoluments owed by the Organization to Officials of the Office, including allowances, remunerations, indemnities and pensions in connection with their service with the Office. This exemption shall extend also to assistance given to the families of Officials of the Office;

(e) exemption from any form of taxation on income derived by them and by members of their families forming part of their household from sources outside the Republic of Austria;

(f) exemption from inheritance and gift taxes, except with respect to immovable property located in the Republic of Austria, insofar as such arise solely from the fact that Officials of the Office or members of their families forming part of their household reside or maintain their usual domicile in the Republic of Austria;

(g) together with the members of their families forming part of their household, the same immunities from immigration restrictions and aliens registration as are accorded to diplomatic personnel of comparable rank;

(h) freedom to acquire or maintain within the Republic of Austria foreign securities, foreign currency accounts and other movable property;

(i) the right to import for personal use, free of duty and other charges, provided these are not simply charges for public utility services, and exempt from economic import prohibitions and restrictions on imports and exports:

(i) their furniture and personal effects in one or more separate consignments when taking up their assignment, and necessary additions to the same within six months thereafter;

(ii) one motor vehicle every four years;

(iii) limited quantities of certain articles for personal use or consumption and not for gift or sale.

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(2) Officials of the Office who are military personnel may wear their uniforms as authorized by their orders.

Article 12

HEAD OF OFFICE

In addition to the privileges and immunities specified in Article 11, the Head of Office as well as any senior member of the Officials of the Office acting on behalf of the Head of Office during his or her absence from duty shall be accorded the privileges and immunities, exemptions and facilities accorded to heads of diplomatic missions or members of such missions having comparable rank.

Article 13

NOTIFICATION OF APPOINTMENTS, IDENTITY CARDS

(1) The Organization shall communicate to the Austrian Authorities a list of the Officials of the Office and shall revise such list from time to time as may be necessary.

(2) The Republic of Austria shall issue to Officials of the Office and members of their families forming part of their household an identity card bearing the photograph of the holder, in accordance with Austrian law. This card shall serve to identify the holder vis-à-vis the Austrian Authorities.

Article 14

REPRESENTATIVES

Representatives to meetings of, or convened by, the Office and Representatives who have other official business with the Office shall, while exercising their functions and during their journeys to and from the Republic of Austria, enjoy the following privileges and immunities:

(a) immunity from jurisdiction in respect of words spoken or written and all acts performed by them in their official capacity; this immunity shall continue to apply even after the persons concerned have ceased to be Representatives;

(b) inviolability of all their official documents, data and other material;

(c) immunity from inspection and seizure of their personal and official baggage.

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Article 15

AUSTRIAN NATIONALS AND PERMANENT RESIDENTS OF THE REPUBLIC OF AUSTRIA

Austrian nationals and persons who are permanent residents of the Republic of Austria shall enjoy only the privileges and immunities specified in Article 11 (1) (a), (b), (c) and (d).

Article 16

PURPOSE OF PRIVILEGES AND IMMUNITIES

(1) The privileges and immunities provided for in this Agreement are granted to those concerned not for their personal benefit but to ensure that the Office is able to perform the Official Activities unimpeded at all times and that the persons to whom they are accorded have complete independence.

(2) The Organization shall waive immunity where it considers that such immunity would impede the normal course of justice and that it can be waived without prejudicing the interests of the Organization.

(3) In all cases, the Organization engages to encourage the Officials of the Office to comply with their legal obligations.

Article 17

SETTLEMENT OF DISPUTES

Unless the Parties decide otherwise, any dispute concerning the interpretation or application of this Agreement shall be settled by diplomatic means.

Article 18

ENTRY INTO FORCE, MODIFICATION AND DURATION OF THE AGREEMENT

(1) This Agreement shall enter into force on the first day of the second month after the Government and the Organization have informed each other of the completion of the procedures required, for each of them, to be bound by it.

(2) Consultations with respect to modification of this Agreement shall be entered into at the request of the Government or of the Organization. Any such modification shall be by an agreement concluded by the Government and the Organization.

(3) This Agreement shall cease to be in force

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(a) by mutual agreement of the Government and the Organization;

(b) upon the expiration of six months following written notice of termination from either Party to the other; or

(c) upon the termination of the Official Activities of the Office in the Republic of Austria.

Done in Brussels, on 10th May 2021, in two copies, in the German, English, and French languages.

For the Austrian Federal Government:	For the North Atlantic Treaty Organization:
Alexander Schallenberg m. p.	Jens Stoltenberg m. p.

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	Datum/Zeit	2021-12-27T07:48:17+01:00
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