

AGREEMENT

BETWEEN

THE REPUBLIC OF AUSTRIA

AND

THE WORLD HEALTH ORGANIZATION

RELATING TO THE FACILITIES AND SERVICES AND

TO THE LEGAL STATUS AFFORDED TO THE

ORGANIZATION

ON THE OCCASION OF

THE HOLDING IN VIENNA

OF THE FIFTY-THIRD SESSION OF THE

REGIONAL COMMITTEE FOR EUROPE

FROM 8 TO 11 SEPTEMBER 2003

The World Health Organization (hereinafter referred to as “the Organization”) and

The Republic of Austria (hereinafter referred to as “Austria”).

Desiring to give effect to the invitation of Austria to hold the fifty-third session of the Regional Committee for Europe of the World Health Organization in Vienna, from 8 to 11 September 2003 and the decisions of the fifty-first session and the fifty-second session of the Regional Committee for Europe (EUR/RC51/R2 and EUR/RC52/R5 respectively).

Desiring to conclude an agreement for the purpose of determining the facilities and services and the legal status afforded to the Organization on the occasion of the holding of the fifty-third session of the Regional Committee for Europe (hereinafter referred to as “the Session”).

HAVE AGREED AS FOLLOWS:

ARTICLE I: Obligations of the Organization

The Organization shall make available at its own expense for the Session the personnel necessary for the effective functioning of the Session.

ARTICLE II: Supplementary expenses to be paid to the Organization by Austria

Austria shall provide the local facilities and bear the expenses directly attributable to the holding of the Session in Vienna, Austria, except for those which would normally be borne by the Organization if the Session was held at the WHO Regional Office for Europe, as specified in the subsequent Articles. In this connection, Austria will deposit an amount of US\$ 224,214 by 31 March 2003 in the WHO Account (NORDEA, Strandvejen 159, DK-2900 Hellerup, Swift Code: NDEADKKK, account number 500 555 3601 – Reg. No. 0111 - reference to be quoted: RC53). This amount represents an average costing for travel and per diem of the Secretariat (calculated by taking the appropriate per diem for each capital city within the European Region, and the air fare between Copenhagen and each capital city), and other expenses related to holding the Regional Committee at a location outside of Copenhagen. If, at September 2003, the recalculation of the per diems and airfares indicates an amount higher or lower than US\$ 224,214, either Austria will pay the extra cost or the Organization will refund any surplus to Austria or shall dispose of it as instructed by Austria.

ARTICLE III: Facilities, Services, Premises and Equipment

1. Austria shall make available to the Organization, free of charge, for the duration of the Session such personnel, meeting and office premises, fixtures, furniture, equipment and supplies as are required by the Organization.
2. Austria shall also provide, free of charge, suitably equipped offices for those officials of the Organization whose presence in Austria, both before the opening of the Session and after its termination, is required by the Organization for the effective functioning of the Session.
3. Austria will allow the temporary importation, tax-free and duty-free, of all necessary equipment, including technical equipment of accompanying representatives of the information media, and will waive import duties and taxes on supplies necessary for the Session. It will issue without delay any necessary import and export permits for this purpose.
4. Austria shall also arrange necessary postal and news stand facilities for the duration of the Session.
5. Austria shall make arrangements to provide a programme for accompanying persons, social events, and official events outside the core programme of work of the Regional Committee.
6. Austria shall provide information for the Information Bulletin as early as possible in advance of the Session, if possible by the end of February 2003.

ARTICLE IV: Accommodation

1. Austria shall take the necessary steps to reserve accommodation in hotels for representatives, alternates and advisers of Members of the Region, members of the WHO Secretariat, as well as relatives and dependants accompanying them.
2. The WHO Regional Office shall inform Austria of hotel accommodation requirements in good time.

ARTICLE V: Transport

1. Austria shall facilitate the arrival and the departure of all persons who are participating in an official capacity in the work of the Session and their accompanying persons. It shall make arrangements with transport companies for those persons to obtain such priority as will enable them to reserve seats in the appropriate means of transport.
2. Austria shall arrange a special reception desk at the Vienna International Airport, to meet representatives, alternates and advisers of Members of the Region, officials of the Organization and other persons referred to in Article IX.1 of this agreement upon arrival and arrange transportation to their hotels as well as back to the airport on departure.

3. Austria shall make available to the Organization, free of charge, the vehicles necessary for the transportation of equipment, materials and documents required in connection with the Session. Austria shall be responsible for all expenses connected with such transport, such as the provision of petrol and servicing of vehicles.

4. Austria shall also make available to the Organization, free of charge, a special "conference ticket" which entitles representatives, alternates and advisers of Members of the Region and members of the Secretariat to use transport service between the official premises of the Session and their hotels. Austria shall make available to the Organization, free of charge, five cars with drivers for use by the President, Executive President and Deputy Executive President, the Director-General, the Regional Director and the WHO Secretariat.

ARTICLE VI: Communications

Austria shall assume responsibility for the provision of all telephone, electronic mail and facsimile facilities required for the effective functioning of the Session and shall meet the cost of official calls and communications made by the Organization, including communications sent by it for the purposes of the Session and containing matter intended for publication by the press or broadcasting.

ARTICLE VII: Legal Status

For the purposes of this Agreement, Austria shall apply the provisions of the Convention on the Privileges and Immunities of the Specialized Agencies and Annex VII thereof, as well as the provisions set forth in the following Articles.

ARTICLE VIII: Inviolability and Protection of the Premises Placed at the Disposal of the Organization

1. The premises placed at the disposal of the Organization in connection with the Session shall, throughout the period they are being used by the Organization, be considered as the premises of the Organization and shall thereby enjoy the benefits of inviolability referred to in Section 5 of Article III of the Convention on the Privileges and Immunities of the Specialized Agencies.

2. The premises of the Organization shall be placed under the control and authority of the Organization which shall have the exclusive right to authorize or prohibit entry thereto of any person and may also cause any person to be removed therefrom.

3. The Austrian authorities concerned shall take appropriate measures to ensure that the premises of the Organization are not disturbed by the entry of unauthorized persons or groups of persons, by disorder or by any unreasonable noise in the immediate vicinity thereof. To this end, Austria shall, as necessary, station police officers outside the premises of the Organization and take any other measure deemed by it to be necessary.

4. At the request of the Regional Director, Austria shall provide the necessary police officers to give assistance for maintaining order, if the need arises, within the premises of the Organization, and to expel any person who may disturb it and to provide general security services within the premises.

ARTICLE IX: Right to Enter and to Remain in Austria and Legal Status of Participants in the Session

1. The competent Austrian authorities shall issue in a timely fashion visas, when required, to facilitate the entry into and departure from Austria of the following persons:
 - a) Representatives, alternates and advisers of Members of the Region as well as observers of other States invited by the Organization to attend the session in accordance with established practice, who shall, while attending the Session, enjoy the privileges and immunities provided for in Article V of the Convention on the Privileges and Immunities of the Specialized Agencies;
 - b) Officials of the Organization, who shall, while acting in their official capacity in connection with the Session, enjoy the privileges and immunities provided for in Article VI of the Convention on the Privileges and Immunities of the Specialized Agencies;
 - c) Experts (other than officials) performing missions for the Organization, who shall, while acting in their official capacity in connection with the Session, enjoy the privileges and immunities provided for in Paragraph 2 of Annex VII to the Convention on the Privileges and Immunities of the Specialized Agencies;
 - d) Representatives of the United Nations and of the specialized agencies, and of international governmental and nongovernmental organizations with which, in accordance with Articles 69 to 71 of its Constitution, the Organization has entered into relationships, and which are participating in the session, who shall be immune from legal process in respect of words spoken or written and all acts performed by them in their official capacity. This provision is without prejudice to the privileges and immunities that Austria may have to apply to representatives of the United Nations, the specialized agencies and the international governmental organizations referred to above in compliance with relevant international agreements;
 - e) Any other persons invited by the Organization to attend the Session in an official capacity, who shall be immune from legal process in respect of words spoken or written and all acts performed by them in their official capacity;
 - f) relatives or dependants of the persons referred to in sub-paragraphs a) to e) of the present Article, accompanying them to the Session.
2. An exhaustive list of the names of the persons referred to in paragraph 1. above and of the government and the Organizations which they represent shall be forwarded by the Organization to Austria prior to the commencement of the Session.
3. Without prejudice to the special immunities which they might otherwise enjoy, the persons referred to under Articles V and VI of the Convention on the Privileges and

Immunities of the Specialized Agencies, and Paragraph 2 of Annex VII to this Convention, and under d)-e) of Paragraph 1. above, shall not throughout the duration of their functions or mission, including the time required by travel on Austrian territory, be subject to any measure of arrest or expulsion, for the conduct in the exercise of their function or mission.

ARTICLE X: Foreign Exchange

Without prejudice to the provisions of Section 7 of Article III of the Convention on the Privileges and Immunities of the Specialized Agencies, the Organization, may, by means of a bank account in the name of the Organization, transfer funds to Austria for the purposes of the Session in the quantities required to cover the expenses of the Organization in Austria and, at the end of the Session, transfer out of Austria any balance of funds of the Organization not utilized in the course of the Session.

ARTICLE XI: Liability

Austria shall be responsible for dealing with any action, claim or other demand against the Organization or its officials and arising out of:

- a) Injury to persons or damage to or loss of property in the premises provided for the Session or under the control of Austria;
- b) Injury to persons or damage to or loss of property caused by, or incurred in using, the transport services referred to in Article V above that are provided by or are under the control of Austria;
- c) The use for the Session of the personnel provided by Austria under Article III above; and
- d) The acts of personnel of the Organization in the performance of their official duties while they are in Austria for the purposes of the Session, except where liability results from their gross negligence or willful misconduct.

ARTICLE XII: Final Provisions

The present Agreement shall enter into force on the first day of the second month following the day on which Austria has informed the Organization of the completion of its constitutional procedures required for such entry into force.

IN WITNESS THEREOF the undersigned, being duly authorized thereto, have signed this Agreement in two copies each in the English and German languages, both being equally authentic, of which one copy in each language shall be held by Austria and the other held by the Organization.

On behalf of the
World Health Organization

On behalf of the Republic of Austria

Dr. Marc Danzon m.p.

Maria Rauch-Kallat m.p.

Regional Director

Done in Copenhagen, 31 March 2003

Done in Vienna, 04 June 2003