

Protocol between the Republic of Austria and the Organization of the Petroleum Exporting Countries amending the Agreement between the Republic of Austria and the Organization of the Petroleum Exporting Countries regarding the headquarters of the Organization of the Petroleum Exporting Countries

The Republic of Austria and the Organization of the Petroleum Exporting Countries, hereinafter referred to as "OPEC"

Desirous to establish permanent headquarters of OPEC in Vienna and to provide the legal framework necessary for that purpose,

Have agreed to amend the Agreement between the Republic of Austria and OPEC regarding the headquarters of OPEC of 18 February 1974, as amended by the Exchanges of Notes of 8 February 1985 and 3 and 14 July 2000, hereinafter altogether referred to as "Headquarters Agreement", as follows:

Section 1

Article 1 (k) of the Headquarters Agreement shall be amended to read as follows:

- "(k) "Headquarters" means the headquarters seat of OPEC in accordance with Article 2 paragraph (2) as well as the Secretary General's Residence, and, as the case may be, any other land or building which may be temporarily included therein in accordance with the provisions of Article 2 paragraph (3)."

Section 2

Article 2 of the Headquarters Agreement shall be amended to read as follows:

"Article 2

(1) The Government grants to OPEC, and OPEC accepts from the Government, the payment of the rental cost of the headquarters seat of OPEC; the reimbursement made under this provision shall not exceed the annual amount of EUR 1.884.000,- (one million eight hundred eighty-four thousand; amount established for 2008, to be adapted in accordance with the changes of the Consumer Price Index 2005 published by Statistik Austria or the consumer price index replacing it, on the basis of the figure published for the year 2008).

(2) The headquarters seat of OPEC shall comprise the land, installations and offices that OPEC occupies permanently for its activities. Its area shall be defined by common understanding between the Government and OPEC.

(3) Any building outside the headquarters seat which is used with the concurrence of the Government for meetings convened by OPEC shall be temporarily included in the headquarters.

(4) Where gas, electricity, water or heating is supplied by the competent Austrian authorities, or where the prices thereof are under their control, OPEC shall be supplied at rates that shall not exceed the lowest comparable rates accorded to Austrian governmental administrations.”

Section 3

Article 15 paragraph 2 of the Headquarters Agreement shall be amended to read as follows:

“(2) The provisions of paragraph (1) shall not apply to amounts, which are subject to the Austrian regulations concerning blocked accounts.”

Section 4

Article 22 (g) of the Headquarters Agreement shall be amended to read as follows:

“(g) Freedom to acquire or maintain within the Republic of Austria or elsewhere securities, currency accounts, and other movable and under the same conditions applicable to Austrian nationals immovable property; and at the termination of their OPEC employment, the right to take out of the Republic of Austria through authorized channels without prohibition, or restriction, their funds. These provisions shall not apply to amounts, which are subject to the Austrian regulations concerning blocked accounts.”

Section 5

Article 23 (d) of the Headquarters Agreement shall be amended to read as follows:

“(d) The members of the family of an Official referred to in this Article, forming part of his or her household shall, if they are not Austrian nationals or permanent residents of the Republic of Austria, enjoy those privileges and immunities specified for that category of persons by the Vienna Convention on Diplomatic Relations”.

Section 6

Article 24 paragraph 3 of the Headquarters Agreement shall be amended to read as follows:

“(3) Where the incidence of any form of taxation depends upon residence, periods during which the persons referred to in paragraph 1 may be present in the Republic of Austria for the discharge of their duties shall not be considered as periods of residence. In particular, such persons shall be exempt from taxation on their salaries and emoluments and expenses received from OPEC during such periods of duty and shall be exempt from all tourist taxes.”

Section 7

Article 26 of the Headquarters Agreement shall be amended to read as follows:

“Article 26

All persons of Austrian citizenship and all persons who are permanently resident in Austria and employed by OPEC shall enjoy the privileges and immunities, exemptions and facilities accorded by this Agreement to the extent recognized by international law as accepted by the Government, provided, however, that Article 17 shall not apply to officials of OPEC who are Austrian citizens or stateless persons resident of Austria and Article 22 (d) shall, in any event, apply to officials of OPEC who are Austrian citizens or permanent residents of Austria. They shall also have access to the commissary established in accordance with Article 22 paragraph (i) subparagraph (iii), the exercise of this right being regulated by the supplemental agreement provided for in that subparagraph.”

Section 8

Annex II paragraph 2 to the Headquarters Agreement shall be amended to read as follows:

“2. The VAT exemption shall be granted for amounts of not less than 73 Euro per invoice and up to an annual refund amount of 2.900 Euro.”

Section 9

Paragraph (2) of the Exchange of Notes of 18 February 1974 attached to the Headquarters Agreement shall be amended to read as follows:

“(2) Having regard to Article 38 (1) of the Vienna Convention on Diplomatic Relations and to the practice of Austria, the Republic of Austria will accord persons referred to in Article 26 of the Agreement – persons of Austrian citizenship and persons who are permanently resident in Austria – only the immunity from legal process of any kind in respect of words spoken or written, and of acts performed by them in direct connection with their official business;”

Section 10

Paragraph (4) of the Exchange of Notes of 18 February 1974 attached to the Headquarters Agreement shall be amended to read as follows:

“(4) Persons to whom the Agreement applies, who are not Austrian nationals or stateless persons resident in Austria, shall not benefit from Austrian regulations governing family and child care allowances;”

Section 11

Paragraph (5) of the Exchange of Notes of 18 February 1974 attached to the Headquarters Agreement shall be deleted.

Section 12

Paragraph (II) of the Exchange of Notes of 8 February 1985 shall be amended to read as follows:

“II. Without prejudice to the provisions of the Headquarters Agreement the following additional privileges shall be granted to officials of OPEC and members of their families forming part of their households, provided they are not Austrian nationals or permanent residents of the Republic of Austria:”

Section 13

The present Protocol shall enter into force on the first day of the second month following the day on which the Republic of Austria and OPEC have notified each other that the necessary requirements for its entry into force have been met.

Done in Vienna, on 30 September 2009, in duplicate in the German and English languages, all texts being equally authentic.

For the
Republic of Austria:

Michael Spindelegger m.p.

For the Organization of the
Petroleum Exporting Countries:

Abdalla Salem El-Badri m.p.