

**AGREEMENT BETWEEN
THE REPUBLIC OF AUSTRIA
AND
THE INTERNATIONAL BANK FOR RECONSTRUCTION AND
DEVELOPMENT, THE INTERNATIONAL FINANCE CORPORATION AND
THE MULTILATERAL INVESTMENT GUARANTEE AGENCY
REGARDING
THE ESTABLISHMENT OF LIAISON OFFICES IN VIENNA**

Preamble

The Republic of Austria, on the one side, and the International Bank for Reconstruction and Development (IBRD), the International Finance Corporation (IFC) and the Multilateral Investment Guarantee Agency (MIGA) (together, hereinafter referred to as the “Organizations”), on the other side;

HAVING REGARD to

- (i) the Articles of Agreement of the International Bank for Reconstruction and Development of 27 December 1945, as amended with effect of 16 February 1989, which include Article VII on IBRD’s status, immunities and privileges;
- (ii) the Articles of Agreement of the International Finance Corporation of 25 May 1955, as amended with effect of 28 April 1993, which include Article VI on IFC’s status, immunities and privileges; and
- (iii) the Convention establishing the Multilateral Investment Guarantee Agency of 11 October 1985, which includes Chapter VII on MIGA’s

privileges and immunities (together, hereinafter referred to as “instruments establishing the Organizations”);

HAVING REGARD to the Convention on the Privileges and Immunities of the Specialized Agencies of 21 November 1947, to which the Republic of Austria became a party as of 21 July 1950 with respect to Annex VI concerning the IBRD, as of 10 November 1959, with respect to Annex XIII concerning the IFC; and also to the MIGA Convention which was ratified by the Republic of Austria on September 17, 1997;

NOTING that the Organizations have established or may establish a liaison office or offices in Vienna;

DESIRING to define the status, privileges and immunities of such liaison office or offices in the Republic of Austria and to enable the liaison office or offices 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) “Organizations” means the International Bank for Reconstruction and Development, the International Finance Corporation and the Multilateral Investment Guarantee Agency;

- (c) "Office" means the liaison office or offices of the Organizations in the Republic of Austria;
- (d) "Resident Representative" means the head of the Office for each of the Organizations;
- (e) "Staff Members of the Office" means all staff members of the Office except those who are both locally recruited and assigned to hourly rates;
- (f) "Officials of the Office" means all Staff Members of the Office including all persons serving with a Government or an international organization and seconded to work at the Office;
- (g) "Official activities" means any activities necessary for carrying out the purpose of the Organizations as set forth in the instruments establishing the Organizations; and
- (h) "Official visitors" means representatives of Governments and international organizations co-operating with the Organizations as well as other participants in meetings of the Organizations, invited by the Office.

Article 2

LEGAL PERSONALITY

The Republic of Austria recognizes the international juridical personality of the Organizations, deriving from the instruments establishing the Organizations, and their legal capacity within Austria, in particular their 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 their purpose and activities.

Article 3

SEAT

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

(2) Any building in or outside Vienna used with the agreement of the Government for meetings convened by the Office shall be deemed temporarily to form part of the seat precinct.

Article 4

INVIOABILITY OF THE SEAT

(1) The seat 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 seat to perform any duties except with the consent of, and under conditions approved by, the Resident Representative. 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 right of the Organizations to make regulations including employment rules and policies governing Officials of the Organizations, the laws of the Republic of Austria shall apply within the seat.

(3) Legal instruments issued by Austrian authorities may be served upon each of the Organizations through their respective representatives at the seat premises.

Article 5

IMMUNITY FROM JURISDICTION AND OTHER ACTIONS

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

- (a) to the extent that the Organizations shall have expressly waived such immunity in a particular case; and
- (b) in cases arising out of or in connection with the exercise of their powers to issue or guarantee securities on the territory of the Republic of Austria.

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

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

Article 6

INVIOLABILITY OF ARCHIVES

The archives of the Organizations shall be inviolable.

Article 7

PROTECTION OF THE SEAT PREMISES

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

Article 8

PUBLIC SERVICES IN THE SEAT PREMISES

The Republic of Austria shall take all appropriate measures to ensure that the seat is supplied with the necessary public services on equitable terms.

Article 9

COMMUNICATIONS

(1) The Republic of Austria shall ensure that the Organizations are able to send and receive communications in connection with their official activities without censorship or other interference.

(2) The Organizations shall enjoy in the Republic of Austria, for their official communications and the transfer of all their documents, treatment not less advantageous to the Organizations 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 Organizations 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. If the Organizations so request, the Republic of Austria will, at no cost to the Organizations, provide the necessary permits, licenses or other authorizations to enable the Office to connect to, and to utilize fully, the World Bank Group's private telecommunications network.

Article 10

FREEDOM FROM TAXATION AND CUSTOMS DUTIES

- (1) The Organizations and their property shall be exempt from all forms of taxation.
- (2) Indirect taxes included in the price of goods or services supplied to the Organizations since 1 August 2007, including leasing and rental charges, shall be refunded to the Organizations insofar as Austrian law makes provision to that effect for foreign diplomatic missions.
- (3) All transactions to which one of the Organizations is a party and all documents recording such transactions shall be exempt from all taxes, recording charges and court fees.
- (4) Goods, including motor vehicles and spare parts thereof, imported or exported by the Organizations, required for their official activities, shall be exempt from customs duties and other charges provided these are not simply charges for public utility services, and from economic prohibitions and restrictions on imports and exports. The Republic of Austria shall issue for each vehicle of the Office a diplomatic license plate by which it can be identified as an official vehicle of an international organization.
- (5) Goods imported in accordance with paragraph (4) shall not be ceded or transferred by the Organizations to third parties in the Republic of Austria within two years of their importation or acquisition.
- (6) The Organizations shall be exempt from the obligation to pay employer's contributions to the Family Burden Equalization Fund or an instrument with equivalent objectives.

Article 11

FINANCIAL FACILITIES

(1) The Republic of Austria shall take all measures to ensure that the Organizations may:

- (a) purchase and receive through authorized channels, hold and dispose of any currencies or securities;
- (b) open and operate bank accounts in any currency; and
- (c) transfer their funds, securities and currencies to, from or within the Republic of Austria.

(2) The Organizations may purchase, in exchange for any convertible currency, the national currency of the Republic of Austria in such amounts as the Organizations may from time to time require for meeting their expenditures in the Republic of Austria, at the official exchange rate no less favourable than that accorded to other international organizations or diplomatic missions in the Republic of Austria. The Organizations may use the local currency portion, if any, of the Republic of Austria's paid-in capital subscriptions to assist them in defraying the local expenses of the Office.

(3) In the application of the provisions of paragraph (1) and (2), the Organizations take note of Austria's obligations under the Charter of the United Nations to carry out Security Council decisions and shall, in the conduct of their activities, have due regard for Security Council decisions under Articles 41 and 42 of the Charter of the United Nations.

Article 12

SOCIAL SECURITY

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

(2) The staff members of the Office shall have the right to participate in any branch of the social insurance of the Republic of Austria (health, accident and pension insurance) as well as in the unemployment insurance. This insurance shall have the same legal effect as a compulsory insurance.

(3) The staff members of the Office may avail themselves of the right under paragraph (2) by submitting a written declaration within three months after entry into force of this Agreement or within three months after taking up their appointment with the Office.

(4) The declarations required to be made by the staff member of the Office under paragraph (3) shall be transmitted by the Office on behalf of the staff member of the Organizations to the Wiener Gebietskrankenkasse. The Office shall upon request provide the Wiener Gebietskrankenkasse with the information necessary for the implementation of the insurance.

(5) Insurance under paragraph (2) in the selected branch shall take effect with the date of taking up the appointment with the Office, provided the declaration is submitted within seven days after entry into force of this provision in accordance with Article 23 paragraph (2) or after the date of taking up the appointment, otherwise on the day following the day of submission of the declaration.

(6) Insurance under paragraph (2) shall cease on the date on which the appointment with the Office terminates.

(7) Throughout the duration of the insurance under paragraph 2, staff members of the Office shall be responsible for the payment of the entire contributions to the Wiener Gebietskrankenkasse.

Article 13

TRANSIT AND RESIDENCE

(1) The Republic of Austria shall 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 seat, affording them any necessary protection when so travelling:

- (a) the Resident Representative and members of their family forming part of their household;
- (b) officials of the Office and members of their families forming part of their household; and
- (c) official visitors.

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

(3) No activity performed by any person referred to in paragraph (1) in their official capacity with respect to the Organizations 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.

Article 14
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 and immunity from inspection of official baggage, and, if the persons come within the scope of Article 15 and are neither Austrian citizens nor have their permanent residence in the Republic of Austria, immunity from inspection of personal baggage;
- (c) inviolability of all official documents, data and other material;
- (d) exemption from taxation in respect of the salaries, emoluments including allowances, remunerations, indemnities and pensions paid to them by the Organizations in connection with their service with it. This exemption shall extend also to assistance given to the families of officials of the Organizations;
- (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 the obligation to pay such taxes arise solely from the fact that officials of the Organizations or members of their families forming part of their household reside or maintain their usual domicile in the Republic of Austria;

- (g) exemption from immigration restrictions and from registration formalities for themselves and members of their families forming part of their household;
 - (h) freedom to acquire or maintain within the Republic of Austria foreign securities, deposit and payment accounts in any currency, other movable property and, under the same conditions as Austrian nationals, immovable property, and upon termination of their employment with the Organizations, the right to transfer out of the Republic of Austria, without interference, their funds; these provisions shall not apply to amounts which are subject to the Austrian regulations concerning blocked accounts;
 - (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 effects in one or more separate consignments; and
 - (ii) one motor vehicle every four years;
 - (j) the same protection and repatriation facilities with respect to themselves and members of their families forming part of their household as are accorded in time of international crises to members, having comparable rank, of the staffs of diplomatic missions accredited to the Republic of Austria;
 - (k) the opportunity for their spouses and dependent relatives living in the same household to have access to the labour market in accordance with the Austrian law on a preferential basis, provided that, insofar as they engage in gainful occupation, privileges and immunities under this Agreement shall not apply with regard to such occupation. This privilege shall be granted according to the Annex.
- (2) Officials of the Office, and the members of their families living in the same household, to whom this agreement applies, shall not be entitled to payments

out of the Family Burden Equalization Fund or an instrument with equivalent objectives. This exclusion from coverage shall not apply if these persons are Austrian nationals, persons of other nationality granted equivalent status by European Union legislation, or stateless persons with permanent residence in Austria.

Article 15

THE RESIDENT REPRESENTATIVE

In addition to the privileges and immunities specified in Article 14, the Resident Representative as well as any senior member of the Officials of the Office acting on behalf of the Resident Representative during their 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, provided they are not Austrian nationals or are not permanent residents of the Republic of Austria.

Article 16

OFFICIAL VISITORS

- (1) Official visitors shall enjoy the following privileges and immunities:
 - (a) immunity from jurisdiction in respect of all words spoken or written, and all acts performed by them in the exercise of their duties. Official visitors shall continue to enjoy this immunity even after they have ceased to be official visitors of the Office;
 - (b) inviolability of all their official documents, data and other material;
 - (c) immunity from seizure of their personal and official baggage;
 - (d) the exchange facilities necessary for the transfer of their emoluments and expenses.

(2) 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 emoluments and expenses paid by the Organizations during such periods of duty.

Article 17

NOTIFICATION OF APPOINTMENTS, IDENTITY CARDS

(1) The Office 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 in accordance with Austrian law 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. This card shall serve to identify the holder vis-à-vis the Austrian authorities.

Article 18

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 12, Article 14 (1) (a), (b) with the reservations provided for therein, (c), and (d), and Article 16 (1) (a), (b), and (c).

Article 19

PURPOSE OF PRIVILEGES AND IMMUNITIES

(1) The privileges and immunities provided for in this Agreement are not designed to give to officials or official visitors of the Office personal

advantage. They are granted solely to ensure that the Organizations are able to perform their official activities unimpeded at all times and that the persons to whom they are accorded have complete independence.

- (2) The Organizations shall waive immunity where they consider that such immunity would impede the normal course of justice and that it can be waived without prejudicing the interests of the Organizations.
- (3) In all cases, the Organizations engage to encourage their staff members to comply with their legal obligations.

Article 20

SETTLEMENT OF DISPUTES

(1) Any dispute, controversy or claim between the Republic of Austria and the Organizations arising out of or relating to the interpretation, application or performance of this Agreement, including its existence, validity or termination, which is not settled by negotiation or other agreed mode of settlement, shall be settled by final and binding arbitration in accordance with the Permanent Court of Arbitration Optional Rules for Arbitration Involving International Organizations and States, as in effect on the date of this Agreement, and the additional provisions of this Article 20.

(2) The number of arbitrators shall be three: one to be chosen by the Organizations, one to be chosen by the Federal Minister for European and International Affairs of the Republic of Austria, and the third, who shall be chairman of the tribunal, to be chosen by the first two arbitrators. Should the first two arbitrators fail to agree upon the third within six months of their appointment, they shall be chosen by the President of the International Court of Justice at the request of the Republic of Austria or the Organizations.

(3) The language to be used in the arbitral proceedings shall be English.

Article 21

MOST-FAVOURED ORGANIZATION

If and to the extent that the Government of the Republic of Austria shall enter into any agreement with a comparable intergovernmental organization having a seat in Austria containing terms or conditions more favourable to that organization than similar terms or conditions of this Agreement, the Government shall extend such more favourable terms or conditions to the Organizations, by means of a supplemental agreement.

Article 22

ENTRY INTO FORCE AND DURATION OF THE AGREEMENT

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

(2) This Agreement shall cease to be in force

- (a) by mutual agreement of the Republic of Austria and the Organizations;
- (b) between the Republic of Austria and one of the Organizations upon the expiration of six months following written notice of termination from either party to the other; this does not affect the remaining in force of the agreement between the Republic of Austria and the other Organizations;
or
- (c) upon the termination of the activities of the Office in Austria for any one of the Organizations; this does not affect the remaining in force of the agreement between the Republic of Austria and the other Organizations.

Article 23

CONSTRUCTION

This Agreement is entered into in furtherance of the instruments establishing the Organizations, and the Convention on the Privileges and Immunities of the Specialized Agencies of 21 November 1947, to which the Republic of Austria became a party as of 21 July 1950 with respect to Annex VI concerning the IBRD, and as of 10 November 1959, with respect to Annex XIII concerning the IFC; and also to the MIGA Convention which was ratified by the Republic of Austria on September 17, 1997. Accordingly, this Agreement shall not be construed to revoke or restrict the terms of such instruments or Conventions in any way, including with respect to the status of the Organizations established by thereby, or the privileges and immunities provided thereby.

DONE in Washington, on 21st July 2010 in the German and English languages, each text being equally authentic.

For the Republic of Austria:

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ANNEX

Access to the labour market

1. Spouses of officials of the Office and their children under age of 21, provided they came to Austria for the purpose of family reunion and forming part of the same household with the principal holder of the identity card issued according to Article 17, shall have preferential access to the labour market. For the purpose of access to the labour market, the definition "Official of the Office" contained in Article 1 (f) takes account of the specific structure of the Office. The above mentioned family members are hereinafter called beneficiaries.
2. Upon application, the above mentioned beneficiaries will be issued, by the Federal Ministry for European and International Affairs, a certificate confirming their preferential status under this Agreement. The issuing of such certificate shall not be conditional on a specific offer of employment. It shall be valid for the entire Austrian territory and its validity shall expire upon expiration of the identity card.
3. The prospective employer of the beneficiary will be granted an employment permit ("*Beschäftigungsbewilligung*") upon application, provided that the employment is not sought in a sector of the labour market or a region with grave employment problems, as determined by the Austrian Public Employment Service ("*Arbeitsmarktservice*"). The employment permit may be granted even if the legally fixed maximum number for employment of foreign labour ("*Bundeshöchstzahl*") has been exceeded.
4. The employment permit shall be issued by the regional office of the Austrian Public Employment Service ("*Arbeitsmarktservice*") competent for the area in which employment is taken up; in the case of employment which is not confined to a specific location, the competence of the regional office shall be determined by the business seat of the employer.

5. Children who came to Austria before the age of 21 for the purpose of family reunion and who wish to take up employment after the completion of their 21st year of age shall be considered as beneficiaries if the principal holder of the identity card provided for their livelihood before they reached the age of 21 up to the moment in which they took up employment. For all other dependent relatives the normal regulations for access of foreigners to employment in Austria shall apply.

6. The above rules concerning employment shall not apply to self-employed activities. In such cases, the beneficiaries shall comply with the necessary legal requirements for the exercise of such business activities.