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First session
New York, 10-28 April 1967
Agenda item 8

ESTABLISHMENT OF UNIDO HEADQUARTERS

Progress Report by the Executive Director

DRAFT AGREEMENT

between the United Nations and the Republic of Austria
regarding the Headquarters of the United Nations
Industrial Development Organization

Addendum

Text of Exchange of Notes relating
to the Draft Agreement

Note by the Executive Director

As a result of negotiations carried out since the issuance of the previous progress report by the Executive Director (ID/B/6/Add.2 and ID/B/6/Add.2/Corr.1), complete agreement has been reached between representatives of the Secretary-General of the United Nations and representatives of the Government of the Republic of Austria on the text of an Exchange of Notes intended to clarify certain of the provisions of the draft Agreement between the United Nations and the Republic of Austria regarding the Headquarters of the United Nations Industrial Development Organization. The text of the Notes is reproduced below.

67-08086

We regret that some of the pages in the microfiche copy of this report may not be up to the proper legibility standards, even though the best possible copy was used for preparing the master fiche.

Text of Exchange of Notes

1. The Under-Secretary of State for Foreign Affairs of the Republic of Austria to the Secretary-General of the United Nations

New York, 13 April 1967

Sir,

With reference to the Agreement between the United Nations and the Republic of Austria regarding the Headquarters of the United Nations Industrial Development Organization, to which I have this day affixed my signature, I have the honour to propose that:

(1) In accordance with the Financial Regulations of the United Nations, the articles mentioned in paragraph (g) of section 16 of this Agreement may be disposed of without charge only for the benefit of international organizations or charitable institutions.

(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 members of permanent missions referred to in section 24 of the Agreement, who are Austrian nationals or stateless persons resident in Austria, only the immunity from legal process of every kind in respect of words spoken or written and all acts done by them in their capacity as members of permanent missions.

(3) Officials of UNIDO or other United Nations organs or experts on missions for the United Nations who are Austrian nationals and stateless persons resident in Austria shall enjoy only those privileges and immunities provided in the General Convention, it being understood, nevertheless, that such privileges and immunities include exemption from taxation on pensions paid to them by the Pension Fund of the United Nations.

In addition, officials of UNIDO who are Austrian nationals or stateless persons resident in Austria shall have access to the commissary to be established in accordance with paragraph (j) (iii) of section 27 of the Agreement, the exercise of this right being regulated by the supplemental agreement as envisaged in the above-mentioned provision of the Agreement.

(4) In accordance with the practice of the Republic of Austria which is in conformity with article 42 of the Vienna Convention on Diplomatic Relations to

which Austria is a party, diplomatic agents accredited to the Republic of Austria may not practise for personal profit any professional or commercial activity. It is understood that the same restriction shall apply to all persons to whom the Agreement accords the same privileges and immunities as are accorded to members, having comparable rank, of diplomatic missions in the Republic of Austria.

(5) Persons to whom the Agreement applies, who are not Austrian nationals or stateless persons resident in Austria, shall not benefit from Austrian regulations on allowances for children.

(6) Without prejudice to the provisions of sections 18 (e) and 22 (e) of the General Convention and section 27 (h) of the Agreement, officials and experts of UNIDO shall be allowed, over and above the facilities granted by the Agreement, to make transfers to other countries up to a maximum amount of one thousand U.S. dollars (U.S. \$1,000.00) per year, to the debit of accounts in Austrian Schillings held in their names at Austrian credit institutions. If officials or experts of UNIDO wish to make Austrian currency transfers exceeding the amount mentioned above, such transfers shall be authorized by the Austrian authorities up to the amount of all salary previously received in Austrian currency by the person concerned from UNIDO, provided that UNIDO agrees that the amount to be transferred shall be deducted from transferable Austrian currency balances of UNIDO.

If the United Nations agrees to this proposal, I have the honour to propose that this note and your note of confirmation shall constitute an Agreement between the Republic of Austria and the United Nations, entering into force on the same day as the Headquarters Agreement.

Accept, Sir, the renewed assurances of my highest consideration.

II. The Legal Counsel of the United Nations to the Under-Secretary of State for Foreign Affairs of the Republic of Austria

New York, 13 April 1967

Sir,

I am directed by the Secretary-General to refer to your note of 13 April 1967, which reads as follows:

[See Note 1]

/...

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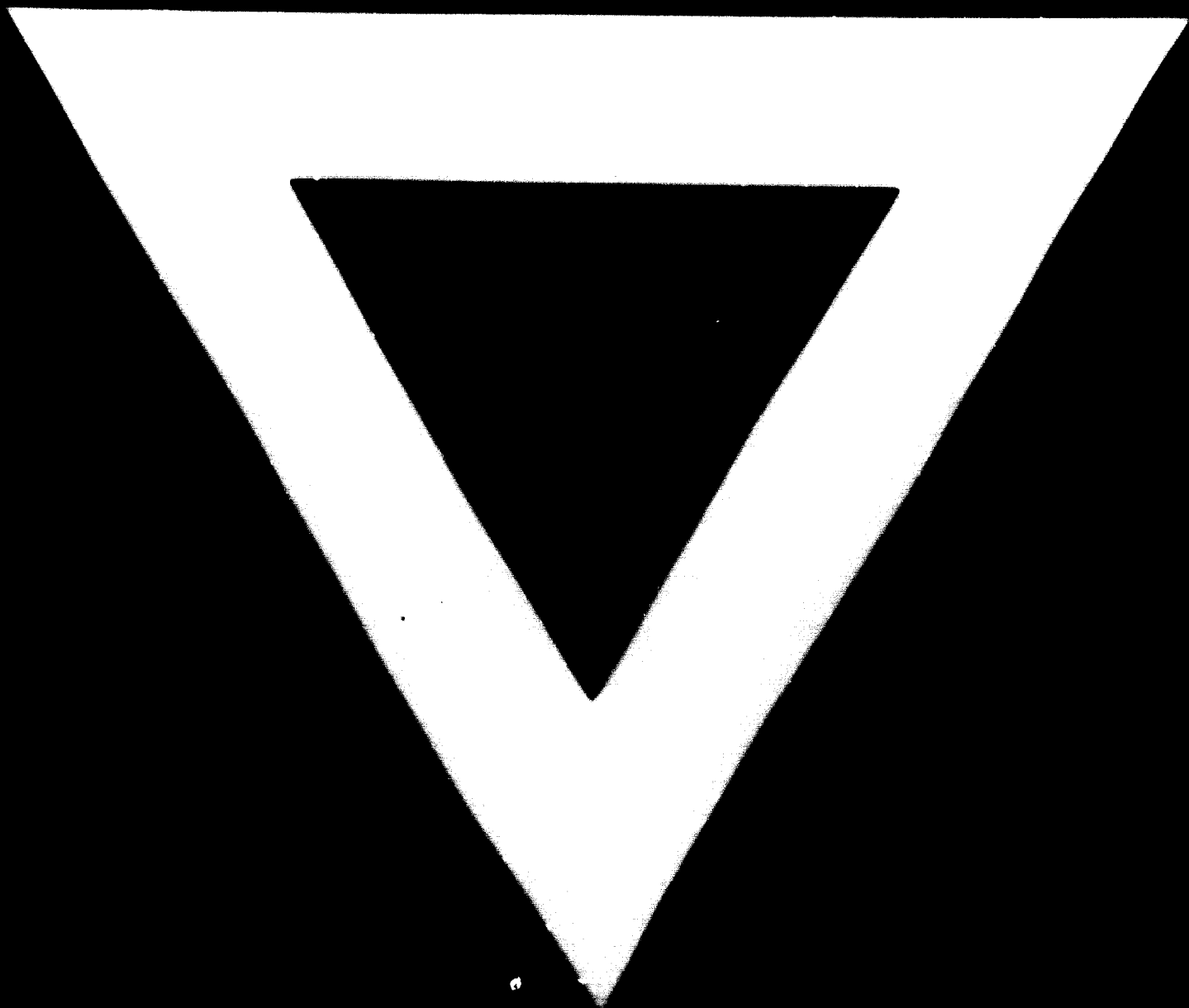
English

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I have the honour to confirm that the United Nations agrees with the above proposal and that your note and this reply will constitute an Agreement between the United Nations and the Republic of Austria, entering into force on the same day as the Headquarters Agreement.

Accept, Sir, the assurances of my highest consideration.





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