

Генеральная ассамблея

Двадцать первая сессия
Медельин, Колумбия, 12-17 сентября 2015 года
Пункт 8 II) g) предварительной повестки дня

A/21/8(II)(g)
Мадрид, 20 июля 2015 г.
Язык оригинала: испанский

Доклад Генерального секретаря

Часть II: Административные и уставные вопросы

g) Соглашение о штаб-квартире между Испанией и Всемирной туристской организацией

I. Введение

1. 22 мая 1975 года Генеральная ассамблея Всемирной туристской организации (ЮНВТО) приняла решение учредить свою штаб-квартиру в Мадриде, Испания, (A/DEC/11 (I)), в связи с чем 10 ноября 1975 года с Испанией была подписана соответствующая Конвенция о штаб-квартире в целях урегулирования правового статуса и условий, применимых к Организации и ее служащим, в Испании. Вышеупомянутая Конвенция применялась на временной основе, начиная с 1 января 1976 года и, после ее ратификации и утверждения Испанией и ЮНВТО в резолюции A/RES/29 (II), окончательно вступила в силу 2 июня 1977 года.
2. 23 декабря 2003 года ЮНВТО изменила свой правовой статус, став специализированным учреждением Организации Объединенных Наций посредством подписания соглашения с Организацией Объединенных Наций, утвержденного в резолюции A/RES/58/232 Генеральной Ассамблеи ООН и в резолюции A/RES/453 (XV) Генеральной ассамблеи ЮНВТО на ее сессии, состоявшейся в Пекине в октябре 2003 года. Однако ЮНВТО продолжала свое существование в Испании на основе изначально заключенной Конвенции о штаб-квартире, несмотря на то, что такая Конвенция была не в полной мере адаптирована к новым правовым рамкам Организации.
3. В 2012 году Испания и Секретариат Всемирной туристской организации создали в рамках Совместного комитета по штаб-квартире рабочую группу для пересмотра Конвенции о штаб-квартире и ее адаптации с учетом нового правового статуса ЮНВТО, как специализированного учреждения Организации Объединенных Наций, и потребностей Секретариата. Также это было необходимо, чтобы предоставить ЮНВТО в Испании условия, аналогичные условиям, предоставленным другим учрежденным в Испании подразделениям Организации Объединенных Наций, особенно учитывая тот факт, что ЮНВТО является единственным специализированным учреждением Организации Объединенных Наций, штаб-квартира которого находится в Испании.



4. После создания рабочей группы отдел по правовым вопросам ЮНВТО приступил к проведению всестороннего анализа Конвенции о штаб-квартире 1975 года, других соглашений о штаб-квартире, подписанных между Испанией и другими международными организациями (особенно принадлежащими к системе ООН), и преобладающей практики в других странах, в которых размещены штаб-квартиры учреждений Организации Объединенных Наций, в целях подготовки предложения о заключении нового Соглашения о штаб-квартире.
5. Соответственно, в июле 2013 года Секретариат представил Министерству иностранных дел и сотрудничества Испании первоначальное предложение, над которым обе стороны работали на протяжении последних трех лет и в конечном счете разработали консенсусный текст, удовлетворяющий обе стороны.
6. 29 мая 2015 года Совет министров Испании разрешил подписать и использовать на временной основе новое Соглашение о штаб-квартире ЮНВТО.
7. 25 июня 2015 года новое Соглашение о штаб-квартире было подписано Генеральным секретарем доктором Талебом Рифаи и испанским Министром иностранных дел и сотрудничества г-ном Хосе Мануэлем Гарсиа-Маргальо-и-Марфиль. Это Соглашение вступило в силу временно в ожидании его ратификации Генеральной ассамблеей ЮНВТО, которую, как ожидается, будет возможно провести на ее двадцать первой сессии в Медельине, Колумбия, в сентябре 2015 года, и Парламентом Испании в установленном порядке.
8. Новое Соглашение вступит в силу окончательно в день обмена аккредитационными документами, подтверждающими завершение процедур и формальностей, предусмотренных соответствующими законами и правоустанавливающими положениями каждой из сторон.

II. Основные нововведения

9. Отправной точкой для ведения переговоров стала предпосылка о необходимости сохранения в неизменном виде предыдущего Соглашения о штаб-квартире (1975 года) и включения в него, с одной стороны, дополнительных действующих соглашений между Организацией и Испанией (чтобы объединить их в единый документ); и, с другой - наиболее благоприятных положений, предусмотренных в других соглашениях о штаб-квартирах, и условий, уже предоставленных другим учреждениям Организации Объединенных Наций и их работникам в Испании.
10. Основные нововведения в уже подписанном Соглашении о штаб-квартире являются следующими:
 - а) Признание и применение Конвенции о привилегиях и иммунитетах специализированных учреждений Организации Объединенных Наций (далее - "Конвенция"), принятой Генеральной Ассамблеей Организации Объединенных Наций 21 ноября 1947 года и Генеральной ассамблеей ЮНВТО в резолюции A/RES/489 (XVI) в Дакаре, в 2005 году, в соответствии со статусом ЮНВТО, полученным в 2003 году; вместе с признанием и применением приложения XVIII, касающегося Всемирной туристской организации, одобренного Генеральной ассамблеей Всемирной туристской организации в Картахене-де-Индиас в 2007 году в резолюции A/RES/545 (XVII).
 - б) Однозначное признание применимости этой Конвенции и приложения XVIII к заседаниям, проводимым Организацией в Испании, что устраняет необходимость

договариваться о привилегиях, иммунитетах и льготах по каждому из соглашений, заключаемых с Испанией с этой целью.

c) Признание применимости наиболее благоприятной клаузулы, в тех случаях, когда Испания заключает какое-либо любое соглашение с межправительственной организацией, предусматривающее более благоприятные условия, чем те, которые предоставлены ЮНВТО.

d) Применение к ЮНВТО налогового режима в соответствии с условиями этой Конвенции, всемирно признанной практикой Организации Объединенных Наций и с учетом налогового режима, предоставленного другим международным организациям, учрежденным в Испании. В частности, полное освобождение от прямого и косвенного налогообложения закупок товаров и услуг, предназначенных для служебного пользования Организации.

e) Признание права пользования сотрудниками категории специалистов класса C-5 и выше, независимо от их гражданской принадлежности, такими же привилегиями, иммунитетами, изъятиями и льготами, какие предоставляются дипломатическим агентам в Испании.

f) Признание права пользования сотрудниками ЮНВТО привилегиями, иммунитетами и льготами, аналогичными тем, которые предоставляются работникам других учреждений Организации Объединенных Наций, учрежденных в Испании.

g) Признание права пользования привилегиями, иммунитетами и льготами экспертами, находящимися в командировках.

h) Признание права пользования привилегиями, иммунитетами и льготами постоянными миссиями при ЮНВТО, постоянными представителями при ЮНВТО, и представителями, находящимися в командировке в ЮНВТО.

i) Обязательство Испании координировать действия с соответствующими властями в целях выполнения этого Соглашения о штаб-квартире.

j) Облегчение получения аккредитационных виз лицами, которые оказывают услуги ЮНВТО.

k) Облегчение получения вида на жительство в Испании сотрудниками, которые выходят на пенсию и желают остаться в Испании.

11. Следует подчеркнуть исключительную важность подписания этого Соглашения о штаб-квартире, и, в частности, положений, касающихся привилегий, иммунитетов и льгот, предоставляемых Организации и ее работникам, которое привлекает особое внимание к ЮНВТО и Испании и служит ориентиром для других учреждений Организации Объединенных Наций.

12. Текст нового Соглашения о штаб-квартире прилагается к настоящему документу в виде приложения I.

13. Секретариат выражает свою искреннюю благодарность и глубокую признательность правительству и испанским властям за их великодушные предложения, предпринятые усилия и безоговорочную поддержку Организации с 1975 года. В частности, Секретариат желает заявить, что без ценной поддержки и всемерного участия Министерства иностранных дел и

сотрудничества Испании было бы невозможно достичь успешного утверждения этого нового Соглашения о штаб-квартире, которое в полной мере удовлетворяет Секретариат.

III. Меры, которые необходимо принять Генеральной ассамблее

14. Генеральной ассамблее предлагается:

- а) выразить глубокую признательность Испании за ее готовность и заинтересованность в том, чтобы предоставить ЮНВТО в Испании самые благоприятные условия, а также за ее великодушное предложение и усилия, предпринятые в целях успешного заключения нового Соглашения о штаб-квартире;
- б) принять во внимание существенные усовершенствования, включенные в новое Соглашение о штаб-квартире, которые, несомненно, позволят создать более благоприятные условия для Организации и всех ее сотрудников в Испании, и, таким образом, уравнивать их с условиями, обычно предоставляемыми другим учреждениям Организации Объединенных Наций;
- с) ратифицировать предложенный текст нового Соглашения о штаб-квартире, что является необходимым условием для его вступления в силу;
- д) просить Секретариат информировать его о выполнении этого нового Соглашения, а также любых практических аспектах или дополнительных инициативах, которые могут возникнуть в связи с его выполнением; и
- е) поощрять государства-члены назначать постоянных представителей или создавать постоянные представительства при ЮНВТО в целях укрепления отношений между ЮНВТО и его государствами-членами.



**HEADQUARTERS AGREEMENT
BETWEEN THE KINGDOM OF SPAIN
AND THE WORLD TOURISM ORGANIZATION**

The Kingdom of Spain and the World Tourism Organization,

Whereas the entry of the World Tourism Organization into the UN system has constituted a qualitative change in that organization, specifically with regard to the provisions contained in the Convention on the Privileges and Immunities of the United Nations of 1946 and the Convention on the Privileges and Immunities of the Specialized Agencies, adopted by the United Nations General Assembly on 21 November 1947;

Whereas the above gives rise to the recognition of the application to the World Tourism Organization of the necessary privileges, immunities, exemptions and facilities established by the Convention on the Privileges and Immunities of the Specialized Agencies, adopted by the United Nations General Assembly on 21 November 1947, to which Spain acceded on 26 September 1974, and Annex XVIII relating to the World Tourism Organization, approved by the General Assembly of the World Tourism Organization in Cartagena de Indias, 2007 [resolution 545(XVII)];

Whereas it is necessary to harmonize and adapt the Convention between the World Tourism Organization and Spain Concerning the Legal Status of the World Tourism Organization in Spain signed on 10 November 1975, to which other supplementary agreements signed were added, to the status of Specialized Agency of the United Nations, in accordance with resolution 58/232 of the United Nations General Assembly;

Whereas, due to the above circumstances, it is necessary to adapt and unify in one text, in the form of a new Headquarters Agreement, the necessary privileges, immunities, exemptions and facilities, which are to govern the relationship of the World Tourism Organization with Spain;

Have agreed as follows:

Article 1 Definitions

In this Headquarters Agreement:

- (a) "Spain" means the Kingdom of Spain;
- (b) "UNWTO" means the World Tourism Organization;
- (c) "the Parties" means Spain and the UNWTO;
- (d) "appropriate authorities" means the appropriate national, regional, local and other authorities in accordance with the laws and regulations of Spain;
- (e) "the Convention" means the Convention on the Privileges and Immunities of the Specialized Agencies adopted by the UN General Assembly of 21 November 1947 and Annex XVIII of said Convention relating to the UNWTO;
- (f) "the Organization" means the World Tourism Organization;
- (g) "archives of the UNWTO" means all records, correspondence, documents, and so forth, whether printed or in electronic form, belonging to or held by the aforementioned UNWTO;
- (h) "telecommunications" means any emission, transmission or reception of verbal or written information, images, sounds or information of any nature by wire, radio, satellite, fibre optics or other electronic or electromagnetic means;
- (i) "Secretary-General" means the Secretary-General of the UNWTO;
- (j) "officials of the UNWTO" means officials accredited at its headquarters in Spain in accordance with the provisions of Article VI of the Convention on the Privileges and Immunities of the Specialized Agencies of the United Nations, adopted by the General Assembly of the United Nations on 21 November 1947, and Annex XVIII relating to the UNWTO;
- (k) "dependents" means:
 - spouses, provided that the marriage has not been the object of annulment or divorce, or partners with whom there exists a union in force that is equivalent to marriage and who are listed in a public registry established for such purpose in another State;
 - the unmarried children under 18 of officials, or children under 23 attending higher education and financially dependent on their parents;
 - unmarried children who depend on their parents and suffer from a physical or mental disability;
 - the parents of the official and those of the official's spouse or partner, who live in the same household, do not engage in gainful activities and financially dependent on the holder of the accreditation;

- (l) "experts on mission" or "experts" means persons, other than officials of the Office, performing missions for the UNWTO and who come within the scope of Articles VI and VII of the Convention on the Privileges and Immunities of the United Nations of 1946, as well as Annex XVIII of the Convention on the Privileges and Immunities of the Specialized Agencies of the United Nations adopted by the United Nations General Assembly on 21 November 1947, relating to the UNWTO;
- (m) "premises" means any land, buildings, structures, and related facilities which the appropriate authorities make available to the UNWTO for its exclusive use;
- (n) "property and assets of the UNWTO" means all property, including funds, income and other assets belonging to the UNWTO, or that it holds or administers and that are linked to the performance of its functions;
- (o) "affiliate member" means the entities considered as such in the statutes of the UNWTO;
- (p) "Permanent Missions" means Missions of the Member States of the Organization accredited to it;
- (q) "diplomatic Missions in Spain" means diplomatic and consular Missions and Missions of International Organizations present in Spain;
- (r) "Permanent Representative" means the Head of Mission, permanently accredited by the UNWTO;
- (s) "Representative on Mission" means the representative of the Member State to the UNWTO designated to perform a specific mission.
- (t) "Representative" means any person designated by a Member State before the UNWTO.

Article 2

Legal personality

Spain recognizes the international personality and legal capacity of the UNWTO.

Article 3

Freedom of action of the Organization

Spain shall guarantee the Organization the independence and freedom of action appropriate to it as an international institution.

Article 4

Immunities and privileges

1. The Organization shall enjoy all the immunities and privileges normally accorded to international organizations of a universal character.
2. The Convention on the Privileges and Immunities of the Specialized Agencies of the United Nations adopted by the United Nations General Assembly in 1947, ratified by Spain on 26 September 1974 and approved by the General Assembly of the UNWTO at its sixteenth session held in Dakar in 2005, in resolution 489(XVI), as well as its Annex XVIII shall apply to the UNWTO. In case of discrepancy between the provisions of said Convention and the provisions of this Agreement, the provision that is more favourable to the Organization shall apply.
3. If Spain concludes any agreement with an intergovernmental organization containing terms and conditions more favourable than those granted to the UNWTO under this Agreement, Spain shall favourably receive the request of the UNWTO to extend such terms and conditions to the UNWTO. The Parties shall agree on the appropriate way to establish them in accordance with their internal legal requirements

Article 5

Inviolability

1. The premises of the Organization's headquarters, including buildings, parts of buildings and land forming part of the Headquarters shall be inviolable, irrespective of their owner. No agent of the Spanish authorities shall enter them without the consent of the Secretary-General of the Organization or his authorized representative
2. The Organization's archives, official correspondence and in general all the documents belonging to it or held by it and intended for its official use shall be inviolable wherever they may be.
3. The property and assets of the Organization in Spain shall be immune from all forms of search, requisition, confiscation, expropriation or any other form of interference, whether by executive, administrative, judicial or legislative action.
4. The Organization shall control and police the premises of its Headquarters.

5. Spain shall adopt all the appropriate measures for ensuring the protection of the Headquarters. If so requested by the Secretary-General, it shall provide the necessary assistance for the maintenance of law and order inside the headquarters.

Article 6

Immunity from legal process

1. The Organization shall enjoy immunity from any penal, civil and administrative proceedings, except insofar as that immunity has been expressly waived by the Secretary-General of the Organization or his authorized representative.

2. The inclusion in a contract to which the Organization is a Party of a clause giving a Spanish ordinary court jurisdiction shall constitute a formal waiver of the immunity. However, barring an express clause to the contrary, no such waiver of immunity shall extend to any measure of execution.

3. The institution by the Organization of legal proceedings shall imply its waiving of immunity from legal process in the event of a counterclaim.

Article 7

Communications

1. The Organization shall enjoy, for its official communications, treatment not less favourable than that accorded to other international institutions and to diplomatic missions in Spain, especially in the matter of priorities, rates and charges for mail, telegraph, telephone and other communications.

2. The Organization shall have the right to use codes for its official communications. It shall also have the right to dispatch and receive correspondence by duly identified couriers or bags, which shall have the same privileges and immunities as diplomatic couriers and bags.

3. Correspondence and other official communications of the Organization shall be immune from censorship.

4. In the event of force majeure entailing a complete or partial interruption of these services, the needs of the Organization shall be given the same priority as may be enjoyed by the Spanish authorities.

5. None of the provisions of this Article may be interpreted as forbidding the adoption of adequate special security measures, to be determined by agreement between the Contracting Parties.

Article 8

Public services

1. Spain shall facilitate the use by the Organization of all the necessary public services and shall grant reductions in the corresponding rates, where such reductions exist, in the same conditions as granted to the Spanish authorities.

2. In case of interruption or likely interruption of any such services, Spain shall accord to the Organization, so that it can meet its needs, the same priority as may be enjoyed by the Spanish authorities.

Article 9

Publications

The import and export of the Organization's publications and those intended for it shall not be subject to any restrictions.

Article 10

Taxation

1. The Organization, its property, funds and assets, wherever located and by whomsoever held, shall be exempt from all direct and indirect state, regional and municipal taxes and levies, except those which constitute charges for public utility services.

2. Furthermore, the UNWTO shall be exempt from all indirect taxes, including value added tax or any other taxes levied on goods and services intended for official use.

3. The exemption from value added tax shall be carried out, in general, through the procedure established for the rest of International Organizations and Diplomatic Corps accredited in Spain.

4. The exemption referred to in paragraph 1 of this Article shall not apply to taxes and levies which individuals or bodies corporate coming under a contract with the Organization must pay in accordance with Spanish legislation.

Article 11

Customs

1. The Organization shall be exempt from the payment of all customs duties and related levies of any kind, except charges for storage, transport and services supplied, and from prohibitions and restrictions on the import or export of articles intended for its official use.

2. Articles imported with such exemption shall not be sold or transferred in Spain without the authorization of the State Tax Administration Agency, processed through the Ministry of Foreign Affairs and Cooperation, for clearance for home use of the aforesaid articles, subject to compliance with foreign trade formalities and payment of the corresponding taxes.

3. Spain and the UNWTO shall agree on the specific norms for the importation, in accordance with the provisions of paragraphs 1 and 2, of a sufficient number of vehicles for the Organization's official needs.

4. The UNWTO shall be exempt from customs duties, taxes on vehicle ownership, and any other levies on motor vehicles, including spare parts and supplies needed for their official use in Spain, regardless of whether they are imported or acquired in the country. Such vehicles shall be registered in accordance with the applicable laws and regulations in Spain. The UNWTO may freely dispose of these vehicles one year after their acquisition or importation, without any prohibitions, restrictions, customs duties or any other levy. Notwithstanding the foregoing, it may dispose of such vehicles before the indicated date if so authorized by the State Tax Administration Agency with proper justification for the replacement of the vehicle.

5. The procedure concerning applications for the imports and exports provided for in this Article and customs clearance shall be in conformity with the norms laid down by the State Tax Administration Agency. Each application shall be signed by the Secretary-General or, in his absence, by his authorized representative and shall be forwarded through the Ministry of Foreign Affairs and Cooperation.

Article 12
Free disposal of funds

1. For the purpose of achieving its aims, the Organization may hold funds, gold or foreign exchange of any kind and may keep its books in any currency. It may also freely receive and transfer its funds, gold or foreign currency and convert into any other currency the currencies in its possession.
2. Spain shall assist the Organization in obtaining the most favourable conditions for its exchange transactions and its transfers.

Article 13
Meetings of the Organization

1. Spain recognizes the right of the UNWTO to convene, pursuant to its statutes, the meetings of the General Assembly, the Executive Council or other statutory organs or of the United Nations system, and international technical meetings that are in keeping with the objectives of the Organization without the need to sign special agreements. In respect of these meetings, the Convention on the Privileges and Immunities of the Specialized Agencies of the United Nations of 1947, Annex XVIII relating to the UNWTO and this Headquarters Agreement shall apply.
2. Meetings organized by the UNWTO in national territory that are held outside the Office shall require prior notification to the Spanish authorities.
3. The Spanish Government shall provide facilities for holding meetings of the General Assembly, Executive Council, committees and working parties that cannot be held in the headquarters building of the organization, by making available appropriate meeting rooms that shall enjoy inviolability and protection on the same terms as those established for the premises of the UNWTO in Article 5 of this Headquarters Agreement.

The conditions of this cooperation shall be determined for each particular case by a specific agreement between the two parties, which shall additionally specify reception, liaison, cleaning, upkeep, security, and any other services deemed necessary to provide for the holding of such meetings.

4. The Spanish Government as far as possible and by means of all appropriate practical arrangements, shall facilitate the Organization's task of receiving delegates of assemblies, conferences and meetings convened by the Organization, at airports and at other points of entry into Spanish territory.

Article 14

Freedom of entry and sojourn

1. Spain shall take appropriate measures to facilitate the entry into, sojourn in and departure from Spanish territory of the following categories of persons, regardless of their nationality:

- (a) representatives of Members of the Organization;
- (b) the Secretary-General and the staff of the Organization;
- (c) the spouses, children and members of the families of the persons referred to in (a) and (b) above who live with them;
- (d) any other persons who, by reason of their functions, must have access to the Organization's Headquarters in an official capacity.

2. The facilities set out in this Article shall be granted for the exercise and performance of official duties or functions of the persons mentioned in (a) and (d) of the above paragraph, limited to the time required for their performance.

3. Visas that may be required for persons referred to in this Article shall be granted without charge and as soon as possible.

4. The persons referred to in this Article 14 shall be exempt from the formalities provided for by Spanish laws and regulations with respect to the registration of aliens, residence permits and working permits, provided they are not gainfully employed in Spain in any other capacity.

5. The persons mentioned in the preceding paragraph must have the relevant travel document in order.

6. Spain shall grant an accreditation visa to persons providing services at the UNWTO for a period limited to the performance of their functions, when the nationality of the person so requires.

7. Spain shall preferentially process the request of the persons mentioned in section (b) of paragraph 1 who wish to remain in Spain with their family members upon the conclusion of the exercise of their functions at the UNWTO due to retirement and shall issue as promptly as possible the residence permits and any other documents necessary for the UNWTO officials, their spouses and their dependent family members, provided that the retired staff member accredits own financial means and health insurance.

Article 15

Status of the Secretary-General and officials of certain categories

1. The Secretary-General of the Organization shall be accorded the privileges and immunities, exemptions and facilities accorded to heads of diplomatic missions.

2. The Secretary-General shall designate the senior official of the organization who is to act on his behalf in his absence from duty; during the exercise of these functions, the official so designated shall enjoy the same status as the Secretary-General.

3. Officials belonging to the Professional category at grade P-5 or higher by reason of the responsibilities of their functions shall be accorded the same privileges and immunities, exemptions and facilities as are accorded to diplomatic agents in Spain. The Secretary-General shall periodically notify Spain of the number and names of such officials.

4. The Secretary-General shall designate the officials who by reason of their functions shall be accorded the same privileges and immunities, exemptions and facilities as are accorded to the administrative staff of accredited diplomatic missions in Spain.

5. In respect of officials belonging to the Professional category at a grade lower than P-5 who are Spanish nationals or permanent residents in Spain, the Kingdom of Spain shall not be bound to accord them privileges and immunities exceeding those provided for in the 1947 Convention for such cases or those provided for in this Headquarters Agreement.

6. The Organization shall notify the Ministry of Foreign Affairs and Cooperation of:

- (a) the appointment of its officials, their arrival in or final departure from Spain and the termination of their employment in the Organization;

- (b) the arrival and final departure of any persons belonging to an official's family who live with him and the fact, where applicable, that a person becomes or ceases to be a member of that family.

7. The private residence of the Secretary-General shall enjoy the same inviolability and protection as the premises of the UNWTO. His papers, correspondence and property shall likewise be inviolable in the terms accorded to diplomatic agents.

Article 16

Immunities and facilities accorded to all officials

1. Officials of the Organization, regardless of their nationality, shall be immune from legal process of any kind in respect of words spoken or written and all acts performed by them in the exercise of their functions, even if they have ceased to be officials of the Organization.

2. They shall be exempt from taxation in respect of the salaries, emoluments and indemnities paid to them by the Organization. Benefits paid in any circumstances by a pension fund or provident scheme within the meaning of Article 20 of this Agreement shall also be exempt from taxation at the time of their payment. The same privilege shall be applied to all benefits paid to agents, officials or employees of the Organization for sickness, accidents and so forth.

3. The appropriate authorities shall process applications for visas and residence permits and any other documents that may be required for domestic workers of officials of the Office during the exercise of their functions as promptly as possible, provided that the contracts of the domestic workers comply with the Spanish labour legislation in force on the matter.

Article 17

Immunities and facilities accorded to officials who are not Spanish nationals or foreigners with permanent residence in Spain at the time of joining the UNWTO

1. In every case, and to the extent that these privileges are not accorded under the provisions of Articles 15 and 16, the Organization's officials shall enjoy the following privileges:

- (a) immunity from seizure of their personal and official baggage;
- (b) freedom to acquire and keep in Spain or outside it foreign securities, foreign currency accounts and other personal property and, under the same conditions applicable to Spanish nationals, real property; and upon the conclusion of their appointment in the UNWTO in Spain, the right to remove from the country, through authorized channels and without any prohibition or restriction, their funds in the same currencies and in the same amount as they were introduced in Spain.
- (c) in respect of foreign exchange, including the maintenance of foreign currency accounts, they shall enjoy the same facilities accorded to members of diplomatic missions accredited in Spain;
- (d) exemption from any military service obligations in Spain;
- (e) exemption from immigration restrictions and formalities for the registration of foreigners, for themselves as well as for their spouses and dependents;
- (f) the same repatriation facilities for both themselves and their spouses and dependent relatives as are accorded to officials of diplomatic missions of similar rank, in the event of international crisis;
- (g) the right to import, free of duty, their furniture and personal effects when moving to Spain to take up their duties, this right remaining valid for one year from the date on which they have definitively taken up their duties;
- (h) exemption from taxes on any income or assets, for themselves and for their family members forming part of the household, insofar as such income originates from sources outside Spain or such assets are located outside said country;
- (i) exemption from inheritance and gift tax, except in respect of real property situated in Spain insofar as the obligation to pay such taxes results solely from the fact that the officials and their family members forming part of the household are resident in Spain;
- (j) exemption from the excise tax on vehicles and the excise tax on fuels;

- (k) the right to acquire or import motor vehicles, exempt from taxes and duties while working for the UNWTO in the Kingdom of Spain, under terms no less favourable than those accorded to diplomatic missions, consular offices and international organizations in Spain. Automobiles imported or acquired under this Agreement may be sold in Spain at any time after their importation or purchase, subject to the relevant Spanish legislation;
- (l) the right to import, free of duty, articles for use and consumption. The Spanish Government, in agreement with the Secretary-General of the Organization, shall allow duty-free importation, in accordance with the rules contained in this Article, of items intended for use or consumption of officials referred to in this Article. The aforementioned items shall be intended exclusively for use or consumption by the officials of the Organization, with express prohibition of their sale or transfer in Spain in any form or for any purpose.

2. Supplemental agreements shall be concluded between the Organization and the Spanish Government to regulate the importation of limited quantities of articles for the personal use or consumption of said officials.

Article 18

Experts on mission

1. Experts performing missions for the Office of UNWTO in Spain and who are not UN officials shall be accorded the privileges and immunities, exemptions and facilities under Articles VI and VII of the Convention on the Privileges and Immunities of the United Nations of 1946, as well as those established in Annex XVIII of the Convention on the Privileges and Immunities of the Specialized Agencies of 1947.

2. Experts on mission shall be exempt from taxation on the salaries and other emoluments paid to them by the UNWTO, and may enjoy other privileges, immunities, exemptions and facilities that may be agreed by the parties.

3. The UNWTO shall in all cases duly inform the Spanish Ministry of Foreign Affairs and Cooperation about the arrival and sojourn of experts on mission.

Article 19

Gainful employment in Spain of dependent family members of officials

1. Dependents of the UNWTO officials accredited at its headquarters in Spain may engage in gainful employment for the duration of the appointment of the holder of the accreditation.
2. The request for authorization to engage in the gainful employment in question shall be forwarded to the Ministry of Foreign Affairs and Cooperation. The request may be refused if the job is reserved for Spanish nationals for reasons of security, exercise of public office or protection of State interests.
3. Dependents who obtain employment as permitted by this Agreement shall enjoy no civil, criminal or administrative immunity in respect of activities related to their jobs, and shall be subject to the Spanish laws and courts in respect of such activities.

Article 20

Pension fund and special funds

1. Any pension fund or provident scheme officially operating for the benefit of officials of the Organization shall enjoy legal capacity in Spain provided it observes the forms laid down for this purpose by Spanish law. Any pension fund or provident scheme officially operating for the benefit of officials of the Organization shall enjoy legal capacity in Spain provided it observes the forms laid down for this purpose by Spanish law. The benefits provided by such a scheme to the Organization's officials shall enjoy the same exemptions and immunities as apply to those officials under this Headquarters Agreement.
2. Funds and foundations, whether possessing legal personality of their own or not, which are administered under the auspices of the Organization and are intended solely for its official purposes shall enjoy the same exemptions and immunities as the Organization's movable property.

Article 21

Social security

1. The Organization shall be exempt from all compulsory contributions to any general social security schemes, including equalization funds, unemployment insurance scheme, accident insurance schemes, and so forth and the officials of the Organization shall be exempt from Spanish social security provisions.

2. This exemption shall also apply to household workers employed in the exclusive service of an official of the Organization provided that:

- (a) they are not Spanish nationals or permanent residents in Spain;
- (b) they are insured by a social security scheme of the Organization.

3. Officials of the Organization who employ persons to whom the exemption provided for in paragraph 2 above does not apply shall comply with the social security obligations which employers are bound to discharge under Spanish legislation.

4. The exemption provided for in the preceding paragraph of this Article shall not prevent voluntary participation of the Organization's officials in the social security system of Spain.

5. The Organization shall be bound to make arrangements for the participation of Spanish or locally recruited officials in the Spanish social security system.

Article 22

Purpose of immunities

1. The privileges and immunities provided for by this Headquarters Agreement are not intended for the personal benefit of the officials of the Organization. They are accorded solely in order to ensure in all circumstances the free operation of the Organization and the complete independence of its officials.

2. The Secretary-General of the Organization shall have the right and duty to waive the immunity of any official whenever, in his opinion, the immunity would impede the normal course of justice and can be waived without prejudice to the interests of the Organization.

Article 23
Prevention of abuses

The Organization and Spain shall cooperate at all times to facilitate the proper administration of justice, to ensure observance of police regulations and to prevent occurrences of any abuses of the privileges, exemptions, immunities and facilities provided for by this Headquarters Agreement.

Article 24
Identity card

1. The Spanish Ministry of Foreign Affairs and Cooperation shall supply an identity card to each official of the Organization and to his family members who live with him, which shall serve as proof of identity of the official for the Spanish authorities.

2. The Organization shall regularly communicate to the Ministry of Foreign Affairs and Cooperation a list of the officials of the Organization and their family members, indicating for each the date of birth, nationality, address in Spain and the category or grade of each official.

Article 25
Permanent missions to the UNWTO

The permanent missions of Member States to the UNWTO shall enjoy the same privileges and immunities accorded to diplomatic missions in Spain.

Article 26
Permanent representatives to the UNWTO

The Permanent Representatives to the UNWTO shall be entitled in Spanish territory to the same privileges and immunities that the Spanish Government accords to heads of diplomatic missions accredited to Spain

Article 27
Representatives to the UNWTO

1. Without prejudice to any other privileges and immunities they enjoy during the exercise of their functions, the representatives of the Member States accredited to the Organization shall enjoy in Spain the privileges and immunities accorded to members of comparable rank of the staff of the mission as established for diplomatic missions in the Vienna Convention of 1961.

Article 28
Representatives on Mission to the UNWTO

1. Representatives of Member States at assemblies, conferences and meetings convened by the Organization shall enjoy in Spain the following privileges and immunities:

- (a) inviolability of their person, place of residence and possessions;
- (b) immunity from arrest and detention and immunity from legal process in respect of words spoken and written and all acts done by them in the performance of their official functions;
- (c) customs facilities in respect of their personal effects and exemption from baggage inspection in the same conditions as are accorded to diplomatic agents on temporary mission;
- (d) the right to use codes in their official communications and to receive and dispatch papers and official correspondence by diplomatic courier or in sealed bags;
- (e) exemption from immigration restrictions and aliens' registration, as provided for in Article 13, and from national service;
- (f) exemption from exchange restrictions in the same conditions as accorded to diplomatic agents on temporary mission.

2. Representatives of Affiliate Members shall be entitled solely to the privileges provided for in paragraph 1 (b), (e) and (f).

Article 29
Private law disputes

The Organization shall make provision for appropriate methods of settlement of:

- (a) disputes arising out of contracts to which the Organization is a party and other disputes of a private law character;
- (b) disputes involving an official of the Organization who, by reason of his official position, enjoys immunity, if that immunity has not been waived in accordance with Article 22.

Article 30
Non-responsibility of Spain

Spain shall not incur by reason of the activities of the Organization within its territory any international responsibility for acts or omissions of the Organization or of its officials acting or abstaining from acting within the scope of their functions.

Article 31
Headquarters building

Spain has made available to the Organization a building that serves as the headquarters of the Organization and is the subject of a special agreement between the two Parties, of 10 March 1980. The building was handed over through the document signed on 7 May 1981. The headquarters of the Organization is in Madrid.

Article 32
**Consultations between Spain and the World Tourism Organization for the
implementation of this Headquarters Agreement**

1. Spain and the Organization shall conduct regular consultations, at the request of either party, for all matters concerning the implementation of this Headquarters Agreement and, especially, to develop the modalities of its practical application and to prevent any abuse in connection with the facilities referred to therein.
2. Should both parties consider it necessary, the results of these consultations may be formalized through the appropriate exchange of letters.

Article 33

Cooperation of the Spanish Government with the Organization

The cooperation of the Spanish Government with the Organization for the purpose of enabling the latter to achieve its aims in the most effective and least onerous manner shall be covered by a special agreement between the two Parties, dealing in particular with the specific spheres in which such cooperation appears desirable in view of the known resources, experience and competence of Spain in the field of tourism.

Article 34

Settlement of disputes

1. Any dispute between the Parties concerning the interpretation or application of this Headquarters Agreement, any supplemental agreement or annex or any question concerning the relations between Spain and the Organization which it has not been possible to settle by direct negotiation between the Parties shall be referred by one Party or the other to an Arbitration Tribunal composed of three arbitrators for final decision.
2. Spain and the Organization shall each choose one member of the Arbitration Tribunal.
3. The two members thus chosen shall choose a president.
4. Should the first two members fail to agree upon the president, the latter shall be chosen by the President of the International Court of Justice at the request of one of the members of the Arbitration Tribunal.
5. The Arbitration Tribunal shall establish its own rules of procedure.

Article 35

Modification of the Headquarters Agreement

1. This Headquarters Agreement may be modified in full or in part following consultations entered into at the request of Spain or the Organization. Any such modification shall be made by mutual consent.

2. The Parties may enter into such supplemental agreements as they deem necessary.

Article 36

Entry into force

1. This Headquarters Agreement shall be provisionally applied from the date of its signature. It shall enter into force definitively on the date on which the Parties have officially notified each other of the completion of the formalities required by their respective laws and constitutive provisions. Furthermore, this Headquarters Agreement replaces the Convention between the World Tourism Organization and Spain Concerning the Organization's Legal Status in Spain signed on 10 November 1975, and any supplementary and/or special agreements Spain has signed with the UNWTO regarding the same matter, except the Special Agreement on the Headquarters Building of the UNWTO, of 10 March 1980, and the delivery document of the building dated 7 May 1981, which shall continue in full force.

2. Its entry into force shall take place on the date on which the instruments accrediting completion of the procedures referred to in the previous paragraph are exchanged.

3. Spain shall take all necessary measures and coordinate the appropriate authorities to give full effect to the terms of this Agreement.

Done in Madrid on 25th June 2015, in duplicate, in the Spanish, French and English languages, all being equally authentic, with the Spanish version prevailing in the event of conflict between versions.

The Secretary General of the
World Tourism Organization



Taleb Rifai

The Minister of Foreign Affairs
and Cooperation



José Manuel García-Margallo y Marfil