

**INTERNATIONAL ATOMIC ENERGY AGENCY
and
AUSTRIA**

Agreement regarding the Headquarters of the International Atomic Energy Agency. Signed at Vienna, on 11 December 1957

Official texts: German, Chinese, English, French, Russian and Spanish.

Exchange of letters constituting a supplemental agreement on currency exchange facilities for the purpose of implementing article IX, section 23, of the above-mentioned Agreement. Vienna, 11 December 1957

Official text: English.

Supplemental Agreement (with enclosures) to the Agreement of 11 December 1957 regarding the Headquarters of the International Atomic Energy Agency. Signed at Vienna, on 3 June 1958

Official texts: English and German.

Exchange of letters constituting a supplemental agreement on turnover taxes for the purpose of implementing article VIII, section 22 (b), of the Agreement of 11 December 1957 regarding the Headquarters of the International Atomic Energy Agency. Vienna, 17 July 1958

Official texts: English and German.

Exchange of letters constituting a supplemental agreement on the establishment of an Agency Commissary for the purpose of implementing article XV, Section 38 (j) (iii), of the Agreement of 11 December 1957 regarding the Headquarters of the International Atomic Energy Agency. Vienna, 17 July 1958

Exchange of letters constituting an agreement extending the Supplemental Agreement of 17 July 1958 on the establishment of an Agency Commissary. Vienna, 24 July and 7 August 1959

Official texts: English and German.

Agreement concerning the social insurance of officials of the IAEA. Signed at Vienna, on 29 December 1958

Official texts: English and German.

Agreement concerning the regulation of pension insurance for officials of the IAEA. Signed at Vienna, on 12 February 1959

Official texts: English and German.

Registered by the International Atomic Energy Agency on 24 August 1959.

No. 4849. AGREEMENT¹ BETWEEN THE REPUBLIC OF AUSTRIA AND THE INTERNATIONAL ATOMIC ENERGY AGENCY REGARDING THE HEADQUARTERS OF THE INTERNATIONAL ATOMIC ENERGY AGENCY. SIGNED AT VIENNA, ON 11 DECEMBER 1957

The Republic of Austria

and

The International Atomic Energy Agency

Desiring to conclude an agreement to establish the seat of the International Atomic Energy Agency in or near the City of Vienna and to regulate questions arising as a result thereof;

Have appointed as their representatives for this purpose :

The Federal President of the Republic of Austria :

DDr. h. c. Dipl.-Ing. Leopold Figl, Federal Minister for Foreign Affairs,
and

The International Atomic Energy Agency :

W. Sterling Cole, Director General,

who have agreed as follows :

Article I

DEFINITIONS

SECTION 1

In this Agreement,

(a) The expression " the IAEA " means the International Atomic Energy Agency;

(b) The expression " the Government " means the Federal Government of the Republic of Austria;

(c) The expression " Director General " means the Director General of the IAEA or any officer designated to act on his behalf;

(d) The expression " appropriate 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 ;

¹ Came into force provisionally on 1 January 1958 by agreement of the parties and definitively on 1 March 1958 by an exchange of notes, in accordance with article XX, section 52 (a).

(e) The expression “ laws of the Republic of Austria ” includes :

- (i) the federal constitution and state constitutions; and
- (ii) legislative acts, regulations and orders issued by or under authority of the Government or appropriate Austrian authorities;

(f) The expression “ headquarters seat ” means :

- (i) the headquarters area with the building or buildings upon it, as may from time to time be defined in the supplemental agreements referred to in section 3; and
- (ii) any other land or building which may from time to time be included, temporarily or permanently, therein in accordance with this Agreement or by supplemental agreement with the Government;

(g) The expression “ Member State ” means a State which is a member of the IAEA;

(h) The expression “ Governor ” means a Governor appointed to the Board of Governors of the IAEA;

(i) The expression “ alternates for and advisers and experts attached to Governors ” includes alternates, advisers and experts attached to Governors, but does not include clerical and other auxiliary personnel;

(j) The expression “ resident representative to the IAEA ” means the principal resident representative to the IAEA designated by a Member State;

(k) The expression “ each member of the resident delegation of a Member State to the IAEA ” includes members of the delegation of the resident representative to the IAEA, but does not include clerical and other auxiliary personnel;

(l) The expression “ representatives of Member States ” includes accredited representatives of Member States and members of their delegations, but does not include clerical and other auxiliary personnel;

(m) The expression “ meetings convened by the IAEA ” means any meetings of the General Conference of the IAEA or of the Board of Governors of the IAEA, or any international conferences or other gatherings convened by the IAEA or under its sponsorship;

(n) The expression “ archives of the IAEA ” includes records and correspondence, documents, manuscripts, still and moving pictures, films and sound recordings belonging to or held by the IAEA;

(o) The expression “ officials of the IAEA ” means the Director General and all members of the staff of the IAEA except those who are locally recruited and assigned to hourly rates; and

(p) The expression “ property ” as used in Article VIII means all property, including funds and other assets, belonging to the IAEA or held or administered by the IAEA in furtherance of its statutory functions and all income of the IAEA.

Article II

THE HEADQUARTERS SEAT

SECTION 2

(a) The permanent headquarters of the IAEA shall be in the headquarters seat, and shall not be removed therefrom unless the IAEA should so decide. Any transfer of the headquarters temporarily to another place shall not constitute a removal of the permanent headquarters unless there is an express decision by the IAEA to that effect.

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

(c) The appropriate Austrian authorities shall take whatever action may be necessary to ensure that the IAEA shall not be dispossessed of all or any part of the headquarters seat without the express consent of the IAEA.

SECTION 3

The Government grants to the IAEA, and the IAEA accepts from the Government, the permanent use and occupation of a headquarters seat as may from time to time be defined in supplemental agreements to be concluded between the IAEA and the Government.

SECTION 4

(a) To enable the IAEA to participate in the United Nations network of short-wave communications, the Government shall, upon request, grant to the IAEA for official purposes appropriate radio and other telecommunication facilities in conformity with technical arrangements to be made with the International Telecommunication Union.

(b) The IAEA may establish and operate such additional radio and other telecommunication facilities as may be specified by supplemental agreement between the IAEA and the appropriate Austrian authorities.

SECTION 5

The IAEA may establish and operate research and other technical facilities of any type. These facilities shall be subject to appropriate safeguards which, in the case of facilities which might create hazards to health or safety or interfere with property shall be agreed with the appropriate Austrian authorities.

SECTION 6

The facilities provided for in sections 4 and 5 may, to the extent necessary for efficient operation, be established and operated outside the headquarters

area. The appropriate Austrian authorities shall, at the request of the IAEA, make arrangements, on such terms and in such manner as may be agreed upon by supplemental agreement, for the acquisition or use by the IAEA of appropriate premises for such purposes and for the inclusion of such premises in the headquarters seat.

Article III

EXTRATERRITORIALITY OF THE HEADQUARTERS SEAT

SECTION 7

(a) The Government recognizes the extraterritoriality of the headquarters seat, which shall be under the control and authority of the IAEA as provided in this Agreement.

(b) Except as otherwise provided in this Agreement, and subject to any regulation enacted under section 8, the laws of the Republic of Austria shall apply within the headquarters seat.

(c) Except as otherwise provided in this Agreement, the courts or other appropriate organs of the Republic of Austria shall have jurisdiction, as provided in applicable laws, over acts done and transactions taking place in the headquarters seat.

SECTION 8

(a) The IAEA shall have the power to make regulations, operative within the headquarters seat, for the purpose of establishing therein any conditions necessary for the full execution of its functions. No laws of the Republic of Austria which are inconsistent with a regulation of the IAEA authorized by this section shall, to the extent of such inconsistency, be applicable within the headquarters seat. Any dispute between the IAEA and the Republic of Austria as to whether a regulation of the IAEA is authorized by this section or as to whether a law of the Republic of Austria is inconsistent with any regulation of the IAEA authorized by this section, shall be promptly settled by the procedure set out in section 51. Pending such settlement, the regulation of the IAEA shall apply and the law of the Republic of Austria shall be inapplicable in the headquarters seat to the extent that the IAEA claims it to be inconsistent with the regulation of the IAEA.

(b) The IAEA shall from time to time inform the Government, as may be appropriate, of regulations made by it falling within subsection (a).

(c) This section shall not prevent the reasonable application of fire protection or sanitary regulations of the appropriate Austrian authorities.

SECTION 9

(a) The headquarters seat shall be inviolable. No officer or official of the Republic of Austria, or other person exercising any public authority within the