

No. 5334

INTERNATIONAL ATOMIC ENERGY AGENCY

Agreement on the privileges and immunities of the International Atomic Energy Agency. Approved by the Board of Governors of the Agency on 1 July 1959

Official texts: English, French, Russian and Spanish.

Registered by the International Atomic Energy Agency on 13 September 1960.

AGENCE INTERNATIONALE DE L'ÉNERGIE ATOMIQUE

Accord sur les privilèges et immunités de l'Agence internationale de l'énergie atomique. Approuvé par le Conseil des Gouverneurs de l'Agence le 1^{er} juillet 1959

Textes officiels anglais, français, russe et espagnol.

Enregistré par l'Agence internationale de l'énergie atomique le 13 septembre 1960.

No. 5334. AGREEMENT¹ ON THE PRIVILEGES AND IMMUNITIES OF THE INTERNATIONAL ATOMIC ENERGY AGENCY. APPROVED BY THE BOARD OF GOVERNORS OF THE AGENCY ON 1 JULY 1959

Whereas Article XV.C of the Statute of the International Atomic Energy Agency² provides that the legal capacity, privileges and immunities referred to in that Article shall be defined in a separate agreement or agreements between the Agency, represented for this purpose by the Director General acting under the instructions of the Board of Governors, and the Members ;

Whereas an Agreement Governing the Relationship between the Agency and the United Nations has been adopted in accordance with Article XVI of the Statute ; and

Whereas the General Assembly of the United Nations, contemplating the unification as far as possible of the privileges and immunities enjoyed by the United Nations and by the various agencies brought into relationship with the United Nations has adopted the Convention on the Privileges and Immunities of the Specialized Agencies,³ and a number of Members of the United Nations have acceded thereto ;

The Board of Governors

1. *Has approved*, without committing the Governments represented on the Board, the text below, which in general follows the Convention on the Privileges and Immunities of the Specialized Agencies ; and
2. *Invites* the Members of the Agency to consider and, if they see fit, to accept this Agreement.

¹ The Agreement came into force as regards the Republic of Finland on 29 July 1960 and as regards the Federal Republic of Germany on 4 August 1960, on deposit of their respective instruments of acceptance with the Director-General of the International Atomic Energy Agency, in accordance with section 38. The instrument of acceptance of the Federal Republic of Germany was accompanied by the following reservation :

"The Government of the Federal Republic of Germany, while accepting the agreement of the Agency's privileges and immunities by depositing the necessary document, emphasizes the fact that it reserves, with reference to art. VI, Section 18 a (ii) of said agreement, the right to tax citizens of the Federal Republic of Germany inasmuch as this right has not been renounced by double taxation treaties."

² United Nations, *Treaty Series*, Vol. 276, p. 3 ; Vol. 293, p. 359 ; Vol. 312, p. 427 ; Vol. 316, p. 387, and Vol. 356, p. 378.

³ See footnote 1, p. 374 of this volume.

Article I

DEFINITIONS

SECTION 1

In this Agreement :

- (i) The expression "the Agency" means the International Atomic Energy Agency ;
- (ii) For the purposes of Article III, the words "property and assets" shall also include property and funds in the custody of the Agency or administered by the Agency in furtherance of its statutory functions ;
- (iii) For the purposes of Articles V and VIII, the expression "representatives of Members" shall be deemed to include all Governors, representatives, alternates, advisers, technical experts and secretaries of delegations ;
- (iv) In sections 12, 13, 14 and 27, the expression "meetings convened by the Agency" means meetings :
 - (1) of its General Conference and of its Board of Governors ;
 - (2) of any international conference, symposium, seminar or panel convened by it ; and
 - (3) of any committee of any of these bodies ;
- (v) For the purposes of Articles VI and IX, the expression "officials of the Agency" means the Director General and all members of the staff of the Agency except those who are locally recruited and assigned to hourly rates.

Article II

JURIDICAL PERSONALITY

SECTION 2

The Agency shall possess juridical personality. It shall have the capacity (a) to contract, (b) to acquire and dispose of immovable and movable property and (c) to institute legal proceedings.

Article III

PROPERTY, FUNDS AND ASSETS

SECTION 3

The Agency, its property and assets, wherever located and by whomsoever held, shall enjoy immunity from every form of legal process except in so far as in any particular case it has expressly waived its immunity. It is, however, understood that no waiver of immunity shall extend to any measure of execution.

SECTION 4

The premises of the Agency shall be inviolable. The property and assets of the Agency, wherever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation and any other form of interference, whether by executive, administrative, judicial or legislative action.

SECTION 5

The archives of the Agency, and in general all documents belonging to it or held by it, shall be inviolable, wherever located.

SECTION 6

Without being restricted by financial controls, regulations or moratoria of any kind :

- (a) The Agency may hold funds, gold or currency of any kind and operate accounts in any currency ;
- (b) The Agency may freely transfer its funds, gold or currency from one country to another or within any country and convert any currency held by it into any other currency.

SECTION 7

The Agency shall, in exercising its rights under section 6, pay due regard to any representations made by the Government of any State party to this Agreement in so far as it is considered that effect can be given to such representations without detriment to the interests of the Agency.

SECTION 8

The Agency, its assets, income and other property shall be :

- (a) Exempt from all direct taxes ; it is understood, however, that the Agency will not claim exemption from taxes which are, in fact, no more than charges for public utility services ;
- (b) Exempt from customs duties and prohibitions and restrictions on imports and exports in respect of articles imported or exported by the Agency for its official use ; it is understood, however, that articles imported under such exemption will not be sold in the country into which they were imported except under conditions agreed to with the Government of that country ;
- (c) Exempt from duties and prohibitions and restrictions on imports and exports in respect of its publications.

SECTION 9

While the Agency will not, as a general rule, claim exemption from excise duties and from taxes on the sale of movable and immovable property which form part of the price to be paid, nevertheless when the Agency is making important purchases for official use of property on which such duties and taxes have been charged or are chargeable, States parties to this Agreement will, whenever possible, make appropriate administrative arrangements for the remission or return of the amount of duty or tax.

Article IV

FACILITIES IN RESPECT OF COMMUNICATIONS

SECTION 10

The Agency shall enjoy, in the territory of each State party to this Agreement and as far as may be compatible with any international conventions, regulations and arrangements to which that State is a party, for its official communications, treatment not less favourable than that accorded by the Government of such a State to any other Government, including the latter's diplomatic mission, in the matter of priorities, rates and taxes for posts and telecommunications, and press rates for information to the press and radio.

SECTION 11

No censorship shall be applied to the official correspondence and other official communications of the Agency.

The Agency shall have the right to use codes and to dispatch and receive correspondence and other official communications by courier or in sealed bags, which shall have the same immunities and privileges as diplomatic couriers and bags.

Nothing in this section shall be construed to preclude the adoption of appropriate security precautions to be determined by agreement between a State party to this Agreement and the Agency.

Article V

REPRESENTATIVES OF MEMBERS

SECTION 12

Representatives of Members at meetings convened by the Agency shall, while exercising their functions and during their journeys to and from the place of meeting, enjoy the following privileges and immunities :