



International Atomic Energy Agency

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THE TEXTS OF THE AGENCY'S AGREEMENTS WITH THE UNITED NATIONS

The texts of the following agreements and supplementary agreements between the Agency and the United Nations are reproduced in this document for the information of all Members of the Agency:

- I. A. Agreement Governing the Relationship Between the United Nations
 and the International Atomic Energy Agency;
- B. Protocol Concerning the Entry into Force of the Agreement
 between the United Nations and the International Atomic Energy
 Agency;
- II. Administrative Arrangement Concerning the Use of the United Nations Laissez-Passer
 by Officials of the International Atomic Energy Agency; and
- III. Agreement for the Admission of the International Atomic Energy Agency into the
 United Nations Joint Staff Pension Fund.

I

A. AGREEMENT GOVERNING THE RELATIONSHIP BETWEEN THE UNITED NATIONS AND THE INTERNATIONAL ATOMIC ENERGY AGENCY [1]

The United Nations and the International Atomic Energy Agency,

Desiring to make provision for an effective system of relationship whereby the discharge of their respective responsibilities may be facilitated,

Taking into account for this purpose the provisions of the Charter of the United Nations and the Statute of the Agency,

Have agreed as follows:

ARTICLE I

Principles

1. The United Nations recognizes the International Atomic Energy Agency (hereinafter referred to as the Agency) as the agency, under the aegis of the United Nations as specified in this Agreement, responsible for international activities concerned with the peaceful uses of atomic energy in accordance with its Statute, without prejudice to the rights and responsibilities of the United Nations in this field under the Charter.
2. The United Nations recognizes that the Agency, by virtue of its inter-governmental character and international responsibilities, will function under its Statute as an autonomous international organization in the working relationship with the United Nations established by this Agreement.
3. The Agency recognizes the responsibilities of the United Nations, in accordance with the Charter, in the fields of international peace and security and economic and social development.
4. The Agency undertakes to conduct its activities in accordance with the Purposes and Principles of the United Nations Charter to promote peace and international co-operation, and in conformity with policies of the United Nations furthering the establishment of safeguarded world-wide disarmament and in conformity with any international agreements entered into pursuant to such policies.

ARTICLE II

Confidential information

The United Nations or the Agency may find it necessary to apply certain limitations for the safeguarding of confidential material furnished to them by their Members or others, and, subject to the provisions of Article IX, nothing in this Agreement shall be construed to require either of them to furnish any information the furnishing of which would, in its judgement, constitute a violation of the confidence of any of its Members or anyone from whom it shall have received such information.

ARTICLE III

Reports of the Agency to the United Nations

1. The Agency shall keep the United Nations informed of its activities. Accordingly it shall:
 - (a) Submit reports covering its activities to the General Assembly at each regular session;

[1] As indicated in the Protocol below, this Agreement entered into force on 14 November 1957.

- (b) Submit reports, when appropriate, to the Security Council and notify the Council whenever, in connexion with the activities of the Agency, questions within the competence of the Council arise;
 - (c) Submit reports to the Economic and Social Council and to other -organs of the United Nations on matters within their respective competences.
2. The Agency shall report to the Security Council and the General Assembly any case of non-compliance within the meaning of Article XII, paragraph C, of its Statute.

ARTICLE IV

Report of the Secretary-General of the United Nations

1. The Secretary-General of the United Nations shall report to the United Nations, as appropriate, on the common activities of the United Nations and the Agency and on the development of relations between them.
2. Any written report circulated under paragraph 1 of this Article shall be transmitted to the Agency by the Secretary-General.

ARTICLE V

Resolutions of the United Nations

The Agency shall consider any resolution relating to the Agency adopted by the General Assembly or by a Council of the United Nations. Any such resolution shall be referred to the Agency together with the appropriate records. Upon request, the Agency shall submit a report on any action taken in accordance with the Statute of the Agency by it or by its Members as a result of its consideration of any resolution referred to it under this Article.

ARTICLE VI

Exchange of information and documents

1. There shall be the fullest and promptest exchange between the United Nations and the Agency of appropriate information and documents.
2. The Agency, in conformity with its Statute and to the extent practicable, shall furnish special studies or information requested by the United Nations.
3. The United Nations shall likewise furnish the Agency, upon request, with special studies or information relating to matters within the competence of the Agency.

ARTICLE VII

Reciprocal representation

1. The Secretary-General of the United Nations shall be entitled to attend and participate without vote on matters of common interest in sessions of the General Conference and of the Board of Governors of the Agency. The Secretary-General shall also be invited as appropriate to attend and participate without vote in such other meetings as the Agency may convene at which matters of interest to the United Nations are under consideration. The Secretary-General may, for the purposes of this paragraph, designate any person as his representative.
2. The Director General of the Agency shall be entitled to attend plenary meetings of the General Assembly of the United Nations for the purposes of consultation. He shall be entitled to attend and participate without vote in meetings of the Committees of the General Assembly, and meetings of the Economic and Social Council, the Trusteeship Council and, as appropriate, their subsidiary bodies. At the invitation of the Security Council, the Director General may attend its meetings to supply it with information or give it other

assistance with regard to matters within the competence of the Agency. The Director General may, for the purposes of this paragraph, designate any person as his representative.

3. Written statements presented by the United Nations to the Agency for distribution shall be distributed by the Agency to all members of the appropriate organ or organs of the Agency. Written statements presented by the Agency to the United Nations for distribution shall be distributed by the Secretariat of the United Nations to all members of the appropriate organ or organs of the United Nations.

ARTICLE VIII

Agenda items

1. The United Nations may propose items for consideration by the Agency. In such cases, the United Nations shall notify the Director General of the Agency of the item or items concerned, and the Director General shall include any such item or items in the provisional agenda of the General Conference or Board of Governors or such other organ of the Agency as may be appropriate.

2. The Agency may propose items for consideration by the United Nations. In such cases, the Agency shall notify the Secretary-General of the United Nations of the item or items concerned and the Secretary-General, in accordance with his authority, shall bring such item or items to the attention of the General Assembly, the Security Council, the Economic and Social Council or the Trusteeship Council, as appropriate.

ARTICLE IX

Co-operation with the Security Council

The Agency shall co-operate with the Security Council by furnishing to it at its request such information and assistance as may be required in the exercise of its responsibility for the maintenance or restoration of international peace and security.

ARTICLE X

International Court of Justice

1. The United Nations will take the necessary action to enable the General Conference or the Board of Governors of the Agency to seek an advisory opinion of the International Court of Justice on any legal question arising within the scope of the activities of the Agency, other than a question concerning the mutual relationships of the Agency and the United Nations or the specialized agencies.

2. The Agency agrees, subject to such arrangements as it may make for the safeguarding of confidential information, to furnish any information which may be requested by the International Court of Justice in accordance with the Statute of that Court.

ARTICLE XI

Co-ordination

The United Nations and the Agency recognize the desirability of achieving effective co-ordination of the activities of the Agency with those of the United Nations and the specialized agencies, and of avoiding the overlapping and duplication of activities. Accordingly, the Agency agrees to co-operate, in accordance with its Statute, in measures recommended by the United Nations for this purpose. Furthermore, the Agency agrees to participate in the work of the Administrative Committee on Co-ordination and, as appropriate, of any other

bodies which have been or may be established by the United Nations to facilitate such cooperation and coordination. The Agency may also consult with appropriate bodies established by the United Nations* on matters within their competence and on which the Agency requires expert advice. The United Nations, on its part, agrees to take such action as may be necessary to facilitate such participation and consultation.

ARTICLE XII

Co-operation between secretariats

1. The Secretariat of the United Nations and the staff of the Agency shall maintain a close working relationship in accordance with such arrangements as may be agreed upon from time to time between the Secretary-General of the United Nations and the Director General of the Agency.
2. It is recognized that similar close working relationships between the secretariats of the specialized agencies and the staff of the Agency are desirable and should be established and maintained in accordance with such arrangements as may be made between the Agency and the specialized agency or agencies concerned.

ARTICLE XIII

Administrative co-operation

1. The United Nations and the Agency recognize the desirability of co-operation in administrative matters of mutual interest.
2. Accordingly, the United Nations and the Agency undertake to consult together from time to time concerning these matters, particularly the most efficient use of facilities, staff and services and appropriate methods of avoiding the establishment and operation of competitive or overlapping facilities and services among the United Nations, the specialized agencies and the Agency, and with a view to securing, within the limits of the Charter of the United Nations and the Statute of the Agency, as much uniformity in these matters as shall be found practicable.
3. The consultations referred to in this Article shall be utilized to establish the most equitable manner in which any special services or assistance furnished by the Agency to the United Nations or by the United Nations to the Agency shall be financed.

ARTICLE XIV

Statistical services

The United Nations and the Agency, recognizing the desirability of maximum co-operation in the statistical field and of minimizing the burdens placed on national Governments and other organizations from which information may be collected, undertake to avoid undesirable duplication between them with respect to the collection, compilation and publication of statistics, and agree to consult with each other on the most efficient use of resources and of technical personnel in the field of statistics.

* Such as the United Nations Scientific Committee on the Effects of Atomic Radiation and the United Nations Advisory Committee on the Peaceful uses of Atomic Energy, through and with the approval of the Secretary-General.

ARTICLE XV

Technical assistance

The United Nations and the Agency recognize the desirability of co-operation concerning the provision of technical assistance in the atomic energy field. They undertake to avoid undesirable duplication of activities and services relating to technical assistance and agree to take such action as may be necessary to achieve effective co-ordination of their technical assistance activities within the framework of existing co-ordination machinery in the field of technical assistance, and the Agency agrees to give consideration to the common use of available services as far as practicable. The United Nations will make available to the Agency its administrative services in this field for use as requested.

ARTICLE XVI

Budgetary and financial arrangements

1. The Agency recognizes the desirability of establishing close budgetary and financial relationship with the United Nations in order that the administrative operations of the United Nations, the Agency and the specialized agencies shall be carried out in the most efficient and economical manner possible, and that the maximum measure of co-ordination and uniformity with respect to these operations shall be secured.
2. The Agency agrees to conform, as far as may be practicable and appropriate, to standard practices and forms recommended by the United Nations.
3. The Agency agrees to transmit its annual budget to the United Nations for such recommendations as the General Assembly may wish to make on the administrative aspects thereof.
4. The United Nations may arrange for studies to be undertaken concerning financial and fiscal questions of interest to the Agency and to the specialized agencies with a view to the provision of common services and the securing of uniformity in such matters.

ARTICLE XVII

Public information

The United Nations and the Agency shall co-operate in the field of public information with a view to avoiding overlapping or uneconomical services, and where necessary or appropriate, to establishing common or joint services in this field.

ARTICLE XVIII

Personnel arrangements

1. The United Nations and the Agency agree to develop, in the interest of uniform standards of international employment and to the extent feasible, common personnel standards, methods and arrangements designed to avoid unjustified difference in terms and conditions of employment, to avoid competition in recruitment of personnel, and to facilitate interchange of personnel in order to obtain the maximum benefit from their services.
2. The United Nations and the Agency agree:
 - (a) To consult together from time to time concerning matters of common interest relating to the terms and conditions of employment of the officers and staff with a view to securing as much uniformity in these matters as may be feasible;

- (b) To co-operate in the interchange of personnel, when desirable, on a temporary or a permanent basis, making due provision for the retention of seniority and pension rights;
- (c) To co-operate, on such terms and conditions as may be agreed, in the operation of a common pension fund;
- (d) To co-operate in the establishment and operation of suitable machinery for the settlement of disputes arising in connexion with the employment of personnel and related matters.

3. The terms and conditions on which any facilities or services of the Agency or the United Nations in connexion with the matters referred to in this Article are to be extended to the other shall, where necessary, be the subject of subsidiary agreements concluded for this purpose after the entry into force of this Agreement.

ARTICLE XIX

Administrative rights and facilities

1. Members of the staff of the Agency shall be entitled, in accordance with such administrative arrangements as may be concluded between the Secretary-General of the United Nations and the Director General of the Agency, to use the United Nations laissez-passer as a valid travel document where such use is recognized by States parties to the Convention on the Privileges and Immunities of the United Nations.
2. Subject to the provisions of Article XVIII, the Secretary-General of the United Nations and the Director General of the Agency shall consult together as soon as may be practicable after the entry into force of this Agreement regarding the extension to the Agency of such other administrative rights and facilities as may be enjoyed by organizations within the United Nations system.
3. The United Nations shall invite, and provide the necessary facilities to, any representative of a Member of the Agency, representative of the Agency, or member of the staff of the Agency desiring to proceed to the United Nations Headquarters district on official business connected with the Agency, whether at the initiative of any organ of the United Nations, of the Agency or of the Member thereof.

ARTICLE XX

Inter-agency and other agreements

The Agency shall inform the United Nations before the conclusion of any formal agreement between the Agency and any specialized agency or inter-governmental organization or any non-governmental organization enjoying consultative status with the United Nations, of the nature and scope of any such agreement, and shall inform the United Nations of the conclusion of any such agreement.

ARTICLE XXI

Registration of agreements

The United Nations and the Agency shall consult together as may be necessary with regard to the registration with the United Nations of agreements within the meaning of Article XXI.B of the Statute of the Agency.

ARTICLE XXII

Implementation of this Agreement

The Secretary-General of the United Nations and the Director General of the Agency may enter into such arrangements for the implementation of this Agreement as may be found desirable in the light of the operating experience of the two organizations.

ARTICLE XXIII

Amendments

This Agreement may be amended by agreement between the United Nations and the Agency. Any amendment so agreed upon shall enter into force- on its approval by the General Conference of the Agency and the General Assembly of the United Nations.

ARTICLE XXIV

Entry into force

This Agreement shall enter into force on its approval by the General Assembly of the United Nations and the General Conference of the Agency.

B. PROTOCOL CONCERNING THE ENTRY INTO FORCE OF THE AGREEMENT BETWEEN THE UNITED NATIONS AND THE INTERNATIONAL ATOMIC ENERGY AGENCY

Article XVI of the Statute of the International Atomic Energy Agency authorizes the Agency to enter into an agreement establishing an appropriate relationship between the Agency and the United Nations, which agreement shall provide for the submission by the Agency of reports to the United Nations and the consideration by the Agency of resolutions relating to it adopted by the General Assembly or any of the Councils of the United Nations.

Annex I of the Statute adopted by the Conference on the Statute of the International Atomic Energy Agency directed the Preparatory Commission of the Agency to enter into negotiations with the United Nations with a view to the preparation of a draft agreement for submission to the General Conference and to the Board of Governors.

The General Assembly of the United Nations, during its eleventh session in 1956, adopted a resolution authorizing the Secretary-General's Advisory Committee on the Peaceful Uses of Atomic Energy to negotiate with the Preparatory Commission of the International Atomic Energy Agency a draft relationship agreement for submission to the General Assembly, based on the principles set forth in a study prepared by the Secretary-General in consultation with the Advisory Committee.

After some preliminary negotiations, a joint meeting was held on 24 June 1957 between the Advisory Committee on the Peaceful Uses of Atomic Energy and the Preparatory Commission of the International Atomic Energy Agency. At that time the text of the draft agreement was considered and approved, with the exception of the word "primarily" which had originally appeared in the phrase "the United Nations recognizes the International Atomic Energy Agency ... as the agency under the aegis of the United Nations as specified in this Agreement primarily responsible for international activities concerned with the peaceful uses of atomic energy ..." (Article I, par.1). In an exchange of correspondence between Mr. Carlos A. Bernardes, President of the Preparatory Commission, and Mr. Dag Hammarskjold, Secretary-General of the United Nations and Chairman of the Advisory Committee, it was agreed that the following statement should be included in the record, as

indicating the understanding of the parties concerning this provision of the agreement:

"With regard to paragraph 1 of Article I of the draft agreement, it is noted that the Agency, which is established for the specific purpose of dealing with the peaceful uses of atomic energy, will have the leading position in this field".

The Board of Governors of the International Atomic Energy Agency on 11 October 1957 recommended to the General Conference of the Agency the adoption of the Agreement. On 23 October 1957, the General Conference, during its first special session, approved the Agreement, taking note of the exchange of correspondence between the President of the Preparatory Commission and the Secretary-General of the United Nations.

The Advisory Committee on the Peaceful Uses of Atomic Energy recommended approval of the Agreement to the General Assembly of the United Nations. On 14 November 1957 the General Assembly, during its twelfth session, approved the Agreement, taking note of the exchange of correspondence between the President of the Preparatory Commission and the Secretary-General of the United Nations.

Article XXIV of the Agreement provides that it shall come into force on its approval by the General Assembly of the United Nations and the General Conference of the International Atomic Energy Agency.

The Agreement accordingly came into force on 14 November 1957.

A copy of the authentic text of the Agreement is attached hereto.

IN FAITH WHEREOF we have appended our signatures on the dates appearing beneath our respective names to two original copies of the present Protocol, the text of which consists of versions in the English and French languages which are equally authentic. One of the original copies will be filed and recorded with the Secretariat of the United Nations and the other will be deposited in the archives of the International Atomic Energy Agency.

(signed) Dag Hammarskjöld

Secretary-General of the United Nations

This 10th day of August 1959

(signed) Sterling Cole

Director General of the International Atomic Energy Agency

This 19th day of June 1959

II

ADMINISTRATIVE ARRANGEMENT CONCERNING THE USE OF THE
UNITED NATIONS LAISSEZ-PASSER BY OFFICIALS OF THE
INTERNATIONAL ATOMIC ENERGY AGENCY [2]

AD 463 IAEA - P.P.
LE 352/3

16 June 1958

Dear Mr. Director General,

I wish to refer to your letter of 13 March 1958 in which you expressed the desire that officials of the International Atomic Energy Agency be enabled at an early date to use the United Nations laissez-passer. You suggested that I propose the terms of the Administrative Arrangements, to be concluded between the Secretary-General of the United Nations and the Director General of the International Atomic Energy Agency, as envisaged in paragraph I of Article XIX of the Agreement governing the relationship between the United Nations and the International Atomic Energy Agency, which paragraph provides as follows:

"Members of the staff of the Agency shall be entitled, in accordance with such administrative arrangements as may be concluded between the Secretary-General of the United Nations and the Director General of the Agency, to use the United Nations laissez-passer as a valid travel document where such use is recognized by States parties to the Convention on the Privileges and Immunities of the United Nations."

In pursuance of the afore-quoted provision and in conformity with your wish, I take pleasure in proposing that the United Nations laissez-passer will be issued to officials of the International Atomic Energy Agency in accordance with the following Administrative Arrangements:

1. All members of the staff of the International Atomic Energy Agency will be considered as officials of the International Atomic Energy Agency under the terms of these Administrative Arrangements with the exception of those who are recruited locally and assigned to hourly rates.
2. Requests for issuance of the laissez-passer shall be made by the Director General of the International Atomic Energy Agency or by such person as he shall deputize. Such requests, which will state that the official is about to travel on official duty or home leave, must be accompanied by:
 - (a) an application, in duplicate, on a form to be prescribed and furnished by the United Nations, which shall be filled in and signed by the official for whom the laissez-passer is required and the contents of which shall be verified and certified by the Director General of the International Atomic Energy Agency or his designated representatives; and
 - (b) three photographs of the applicant.

Mr. Sterling Cole
Director General
International Atomic Energy Agency
Lothringerstrasse 18
Vienna III
Austria

[2] This Arrangement entered into force on 26 June 1958.

3. Requests for issuance of laissez-passer shall be addressed to the European Office of the United Nations, Geneva, Switzerland. However, in cases of urgency, such requests may be addressed to the United Nations, New York, United States of America.

4. The Director General of the International Atomic Energy Agency shall forward to the European Office of the United Nations, Geneva, Switzerland, four specimens of the signature of such officials as shall have received authority to certify as correct the information given on the application under Section 2.

5. The issuance of the United Nations laissez-passer to officials of the International Atomic Energy Agency shall, wherever appropriate, also be subject to such other conditions as may apply to the issuance of the laissez-passer to officials of the specialized agencies. The Secretary-General of the United Nations shall notify these conditions to the Director General of the International Atomic Energy Agency.

6. The laissez-passer issued to an official of the International Atomic Energy Agency shall make mention of the official's title or rank. It shall contain a statement in the five official languages to the effect that the laissez-passer is issued to an official of the International Atomic Energy Agency in accordance with the Agreement governing the relationship between the United Nations and the International Atomic Energy Agency.

7. Upon the request of the Director General of the International Atomic Energy Agency or that of such person as he shall deputize, the Secretariat of the United Nations shall, if these Administrative Arrangements are still in force, renew such laissez-passer issued to officials of the International Atomic Energy Agency as shall have expired.

8. The Secretariat of the United Nations shall transmit as quickly as possible the laissez-passer for which issue or renewal has been requested to the designated representative of the International Atomic Energy Agency who shall acknowledge the receipt thereof.

9. The International Atomic Energy Agency agrees to take all necessary administrative precautions to prevent the loss or theft of such laissez-passer. It shall immediately notify the Purchase, Supply and Transport Division, European Office of the United Nations, in the event of any loss or theft of a laissez-passer, giving particulars of the conditions under which such loss or theft occurred.

10. The International Atomic Energy Agency agrees to return immediately to the European Office of the United Nations, all laissez-passer issued to its officials

- (a) on the expiration of the validity of the laissez-passer, unless renewal has been authorized; or
- (b) when the holder ceases to be an official of the International Atomic Energy Agency.

11. The present Administrative Arrangements shall be considered as permanent, subject to the right of either party to terminate their effect by six months' notice given in writing to the other party.

Your acceptance, on behalf of the International Atomic Energy Agency, of the foregoing terms shall constitute the Administrative Arrangements between us governing the issuance of the United Nations laissez-passer to officials of the International Atomic Energy Agency.

Yours Sincerely,

(signed) Dag Hammarskjöld

Dag Hammarskjöld
Secretary-General

26 June 1958

Dear Mr. Secretary-General,

I wish to acknowledge receipt of your letter No. AD 463 IAEA - P. P.: LE 352/3 of 16 June 1958, concerning the issuance of the United Nations laissez-passer to officials of the International Atomic Energy Agency. The letter reads as follows:

(Here follows the text of the immediately preceding letter)

On behalf of the International Atomic Energy Agency, I take pleasure in accepting the terms set forth in your letter quoted above. Consequently, your letter and this reply will constitute the Administrative Arrangements envisaged in paragraph I of Article XIX of the Agreement governing the relationship between the United Nations and the International Atomic Energy Agency.

Yours sincerely,

(signed) Sterling Cole

Sterling Cole
Director General
International Atomic Energy Agency

Mr. Dag Hammarskjold
Secretary-General
United Nations
New York, U.S.A.

III

AGREEMENT FOR THE ADMISSION OF THE INTERNATIONAL ATOMIC ENERGY
AGENCY INTO THE UNITED NATIONS JOINT STAFF PENSION FUND [3]

WHEREAS Article XXVIII of the Regulations of the United Nations Joint Staff Pension Fund, approved by the General Assembly of the United Nations on 7 December 1948, provides that a specialized agency referred to in Article 57, paragraph 2, of the Charter shall become a member organization of the United Nations Joint Staff Pension Fund on its acceptance of these Regulations provided that agreement has been reached with the Secretary-General of the United Nations as to any payments necessary to be made by such specialized agency to the Pension Fund in respect of the new obligations incurred by the Fund through its admission and as to the other transitional arrangements which may be necessary, including the extent to which these Regulations are to be applicable to employees of the specialized agency at the time of admission to the Fund;

WHEREAS supplementary Article C of the Regulations of the United Nations Joint Staff Pension Fund provides that for the purposes of these Regulations, the International Atomic Energy Agency shall be treated as if it were a specialized agency;

WHEREAS the Board of Governors of the International Atomic Energy Agency has decided to accept the Regulations of the United Nations Joint Staff Pension Fund and to enter into the required agreements and whereas the Director General of the International Atomic Energy Agency has been authorized by the Board of Governors of that Organization to negotiate and sign the required agreements;

WHEREAS, as provided in Article XXVIII of the Regulations of the United Nations Joint Staff Pension Fund, this agreement has been communicated to the Joint Staff Pension Board by the representatives of the Secretary-General on that Board for observations prior to its conclusion and whereas the Joint Staff Pension Board has communicated to the Secretary-General that it has no objections to the execution of this agreement;

IT IS, THEREFORE, AGREED as follows:

Article 1

The International Atomic Energy Agency (hereinafter referred to as the Agency) accepts as of 1 October 1958 subject to the provisions of this Agreement, the Regulations for the United Nations Joint Staff Pension Fund (hereinafter referred to as the Regulations) as applicable to itself and to the members of its staff and becomes from that date a member organizations of the United Nations Joint Staff Pension Fund (hereinafter referred to as the Fund).

[3] This Agreement came into force on 29 September 1958 upon signature by the Director General of the Agency on that date, following signature by the Secretary-General of the United Nations on 22 September 1958.

Article 2

In accordance with Article II of the Regulations, the Agency has determined that every full-time member of its staff shall be subject to the regulations if he enters employment under a contract without a time limit; or if he enters employment under a fixed-term contract for five years or more; or if he has completed five years of employment and remains on a contract providing for further service of at least one year, or remains in employment for more than one year thereafter; or if the Agency certifies that the particular fixed-term contract is considered to cover a probationary period and is designed to lead to employment for an indefinite period, provided that he is under sixty years of age at the time of entry into the Fund and that his participation is not excluded by his contract of employment.

The Director General of the Agency shall promptly transmit to the Secretary of the United Nations Joint Staff Pension Board the names and other relevant data to be determined by, the United Nations Joint Staff Pension Board (hereinafter referred to as the Board), pertaining to staff members becoming eligible for participation.

Article 3

In accordance with supplementary Article B of the Regulations, the Agency has determined that every full-time member of the staff shall be subject to the regulations applicable to associate participants if he enters employment under a fixed term contract for at least one year but less than five years; or if he has completed one year of continuous employment, provided that he is not eligible under Article II.1 of the Regulations to become a participant provided that he is under sixty years of age and provided further that his associate participation is not excluded by his contract of employment.

The Director General of the Agency shall promptly transmit to the Secretary of the Board the names and other relevant data to be determined by the Board pertaining to staff members becoming eligible for associate participation.

Article 4

Within one month following the signing of this Agreement, the Director General shall transmit to the Secretary of the Board a complete list of members of the staff of the Agency eligible for participation or associate participation in the Fund on the effective date of the admission of the Agency.

In the case of members of the staff of the Agency eligible for participation, the Director General shall indicate the date at which contributory service shall be deemed to have begun with respect to each such participant, in accordance with the provisions of Article 5 of this Agreement.

Article 5

The period prior to 1 October 1958 during which a participant was in full-time employment as a member of the staff of the Agency or its Preparatory Commission, shall be counted as contributory service under the Regulations, provided that payment is made by the Agency to the Fund of 21 per cent of the pensionable remuneration of each such participant during that period, together with interest at 3 per cent for the period, and provided, further, that there shall also be paid into the Fund by the Agency such an additional sum as may be determined by the Board, on the basis of a report from its consulting actuary, to be necessary in respect of the obligations incurred by the Fund through the counting of all such periods of prior employment as contributory service. Such an additional sum shall become payable when the Board advises the Agency of the determination it has made.

The earliest date from which employment with the Agency can be reckoned for the purpose of participation in the fund shall be 26 October 1956.

Article 6

Within one month following the signing of the Agreement the Agency shall start paying monthly into the Fund, in respect of each associate participant, a contribution equal to 4½ per cent of his pensionable remuneration, or such percentage contribution, not to exceed 6 per cent, as shall be determined from time to time by the Board on the basis of actuarial valuations of the Fund.

Article 7

All payments to be made by the Agency to the Fund in accordance with the Regulations shall be treated by the Agency as preferred debts which shall be satisfied immediately after payment of salaries due by the Agency to its staff.

Article 8

Should the Agency for any reason interrupt or cease to make its payments to the Fund as required under the Regulations, the Secretary of the Board shall promptly report the facts to the Board and the Board shall determine the date as of which the Agency shall be deemed to be in default. The Board shall then cause an actuarial valuation of the Fund to be made in order to determine the sum necessary to make good the Agency's share of the deficiency, if any, revealed by such valuation, which sum shall then become payable by the Agency to the Fund.

Thereafter, upon the death or cessation of service with the Agency of each participant in the employment of the Agency on the date of default, he or his designated beneficiary shall be paid the actuarial equivalent of the benefit to which he would have been entitled under Article X of the Regulations had he left the service of the Agency on the date of default.

As soon as the Agency has made the additional contributions necessary as determined by actuarial valuation to restore to each such participant remaining in the employment of the Agency during the period of default his contributory service prior to default and during the period subsequent to default, the prospective rights of each participant to the benefit provided in the preceding paragraph shall cease and he shall in lieu thereof be entitled to all the rights of a participant credited in accordance with the Regulations with contributory service from his last date of participation prior to default.

Article 9

The Agency shall furnish to the Board, at its request, information based on adequate books and records relating to participants and associate participants, including salary scales, changes in salaries, pensionable remuneration paid and deductions made therefrom.

Procedure shall be agreed upon between the Agency and the Secretary of the Board, subject to the approval of the Board, with respect to reporting, vouchering and remittance of the contributions payable by the Agency to the Fund in accordance with the Regulations and the members of its staff who are participants in the Fund and with respect to such other administrative matters as it may be necessary to regulate for the implementation of the Agreement.

The Agency shall, in consultation with the Secretary of the Board, provide adequate information to its staff concerning the regulations of the Fund and its operation.

Article 10

This Agreement, of which the English and French texts are equally authentic has been duly signed in duplicate in each of these languages on

FOR THE UNITED NATIONS

FOR THE INTERNATIONAL ATOMIC ENERGY
AGENCY

BY (signed) Dag Hammarskjöld
Secretary-General
22 September 1958

BY (signed) Sterling Cole
Director General
29 September 1958