



International Atomic Energy Agency

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THE TEXT OF THE AGREEMENT OF 16 MAY 1986
BETWEEN THE GOVERNMENT OF MONACO AND THE AGENCY CONCERNING
THE INTERNATIONAL LABORATORY OF MARINE RADIOACTIVITY AND THE
PRIVILEGES AND IMMUNITIES OF THE AGENCY WITHIN THE PRINCIPALITY

1. The text of the Seat Agreement concerning the International Laboratory of Marine Radioactivity and defining the privileges and immunities of the Agency in Monaco, as approved by the Board of Governors of the International Atomic Energy Agency in September 1985, was signed on 16 May 1986 and is reproduced herewith for the information of all Members.
2. In accordance with the provisions of Article 17, paragraph 1, the Agreement entered into force on 17 October 1986 upon receipt by the Agency of the instrument setting forth the approval of the Government of Monaco.

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**AGREEMENT BETWEEN THE GOVERNMENT OF HIS SERENE HIGHNESS THE PRINCE OF
MONACO AND THE INTERNATIONAL ATOMIC ENERGY AGENCY CONCERNING THE
INTERNATIONAL LABORATORY OF MARINE RADIOACTIVITY AND THE
PRIVILEGES AND IMMUNITIES OF THE AGENCY WITHIN THE PRINCIPALITY**

The Government of His Serene Highness the Prince of Monaco and the International Atomic Energy Agency, hereinafter referred to as "the Agency";

HAVING CO-OPERATED since 1961 in the implementation of the Agency's programme concerning, in particular, the study of the effects of radioactivity in the sea;

CONSIDERING that, as part of this co-operation, the Agency has established in Monaco an International Laboratory of Marine Radioactivity, hereinafter referred to as "the Laboratory";

BEARING IN MIND that the Statute of the Agency provides, in Article XV.C, that the legal capacity, privileges and immunities referred to in the said Article shall be defined in agreements concluded between the Agency, represented for this purpose by the Director General acting under instructions of the Board of Governors, and the Members;

WISHING to determine the conditions for the establishment of the Laboratory and to define the privileges and immunities of the Agency in Monaco;

Have agreed as follows:

Article 1

1. The premises and installations used by the Agency for its activities in Monaco, as defined in Article 2 below, shall constitute the seat of the Laboratory.
2. These premises and installations are graciously placed at the Agency's disposal by the Government of His Serene Highness the Prince of Monaco, which agrees to assume responsibility for defraying the following costs (except for expenditure made necessary by negligence or omission on the part of the Agency or its staff):
 - (a) Regular maintenance costs;

- (b) The cost of services provided from outside: electricity, water, heat, gas, sewage disposal, collection of refuse and fire protection;
- (c) Property insurance and premiums.

Article 2

1. The activities of the Laboratory shall be devoted primarily to the study of radioactivity and its effects in the sea and in marine organisms.
2. These activities include, in particular, research into the behaviour of radionuclides in the marine environment, the development of radionuclide measurement techniques, the performance of intercalibration exercises, the training of research workers and participation in other international programmes relating to the radioactive and non-radioactive pollution of the sea.

Article 3

1. The Seat of the Laboratory shall be inviolable. No officer or official of the Principality shall enter the Seat except with the consent or at the request of the Director General of the Agency or his representative. This consent may be presumed in the case of fire or other calamities necessitating prompt action.
2. The Agency shall not allow the Seat of the Laboratory to be used as a refuge for any person sought in connection with a crime or offence or the subject of a court summons, conviction, deportation order or refusal of admittance issued by the Monegasque authorities.

Article 4

1. The Agency shall enjoy immunity from legal process, except insofar as in any particular case it shall have waived its immunity, notice thereof being given by the Director General or his representative.
2. The Seat of the Laboratory and the movable property of the Agency, wherever located, shall enjoy immunity from distraint, except insofar as the Agency shall have expressly waived this immunity and given notice thereof through the Director General or his representative.

3. The Seat of the Laboratory and the property referred to in paragraph 2 above, wherever located, shall also enjoy immunity from all forms of search, requisition, confiscation, expropriation and any other form of administrative or judicial restraint.

Article 5

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

Article 6

1. Except as otherwise provided for in this agreement and subject to any regulation enacted under paragraph 2 below, the laws of the Principality shall apply within the Seat of the Laboratory.

2. The Agency shall, however, have the right to enact regulations, to be applied within the Seat of the Laboratory for the purpose of establishing the conditions required for the full discharge of its functions; the Government of His Serene Highness the Prince of Monaco shall be informed of such regulation before they become operative.

3. To the extent that they are incompatible with any of these regulations, the laws of the Principality shall not apply within the Seat of the Laboratory. Any dispute between the Government of His Serene Highness the Prince of Monaco and the Agency as to whether a regulation of the Agency complies with the preceding paragraph or whether a law of the Principality is incompatible with a regulation enacted by the Agency under the preceding paragraph shall be promptly settled in accordance with the provisions of Article 16 below. Pending such settlement, the Agency's regulation alone shall have effect within the Seat of the Laboratory.

Article 7

1. Without being subject to any financial controls, regulations or moratoria of any kind, the Agency, in the exercise of its official functions in Monaco, may freely:

- (a) Receive and hold funds and foreign exchange of all kinds and operate accounts in any currency;

(b) Transfer its funds and foreign exchange within the Principality, and from Monaco to other countries and vice versa.

2. The Agency shall, in exercising its rights under this Article, pay due regard to any representations made by the Government of His Serene Highness the Prince of Monaco insofar as it deems that effect can be given to such representations without prejudicing its interests.

Article 8

1. The Agency, its assets, revenue and other property shall be:

(a) Exempt from all forms of direct taxation, on the understanding, however, that the Agency shall not request exemption from taxes constituting no more than remuneration for services rendered;

(b) Exempt from customs duties and other levies, prohibitions and restrictions on imports and exports in respect of goods or articles imported by the Agency for the purposes of operating the Laboratory in connection with the activities defined in Article 2 above, it being understood, however, that the imported goods or articles benefiting from this exemption may not, on Monegasque or French territory, be ceded or lent, either against payment or free of charge, except under conditions previously agreed by the competent Monegasque or French authorities, and unless the Agency undertakes to respect such securities as the said authorities see fit to require for the purpose.

2. The Agency shall be liable, under common law, to pay the indirect taxes which are included in the price of goods sold or services rendered. However, taxes of this kind payable on major purchases or transactions carried out by the Agency for the purposes defined in the preceding paragraph shall be subject to reimbursement according to procedures to be decided by mutual agreement between the Government of His Serene Highness the Prince of Monaco and the Agency.

Article 9

1. As far as may be compatible with the provisions of any international conventions, regulations and arrangements to which the Government of His Serene Highness the Prince of Monaco is a party, the Agency shall enjoy treatment at least as favourable for its official communications, whatever their nature, as that accorded to diplomatic missions in Monaco with respect to any priority of communication, and to the freedom of such communications.

Article 10

1. The Government of His Serene Highness the Prince of Monaco undertakes, unless the interests of public order dictate otherwise, to authorize the entry into and sojourn in the Principality, without visa charges or delay, for the term of their duty or mission with the Agency, of the persons listed below, their spouses and minor children living in their home:

- Officials of the Agency;
- Representatives of Member States and observers of corresponding States invited to attend sessions of the organs of the Agency or conferences or meetings convened by it;
- Experts or other persons invited by the Agency for consultation.

2. None of the aforementioned persons shall, during the entire term of their duty or missions, be required by the Monegasque authorities to leave the territory of the Principality except in the event of an abuse of the residence privileges accorded them, committed by engaging in an activity unrelated to their duties or missions with the Agency. However, the Government of His Serene Highness the Prince of Monaco shall exercise its right to expel such persons only after consultation with the Director General of the Agency or his representative.

3. These same persons shall not be exempted from the application of the quarantine and public health regulations in force.

4. During their missions and in the course of their travel within the Principality, the persons referred to in the present article shall enjoy:

- (a) Immunity from personal arrest or detention and from seizure of their personal baggage, unless they are caught in flagrante delicto;
- (b) Inviolability of official papers and documents.

5. Persons not of Monegasque nationality or not permanently resident in Monaco shall also enjoy immunity from legal process, even after termination of their mission, in respect of acts, including words spoken and written, performed by them in the discharge and within the scope of their functions. Such immunity shall not extend to the violation of traffic regulations by such persons when driving a motor vehicle or to damage caused by a motor vehicle belonging to or driven by them.

Article 11

The staff of the Laboratory shall be composed of:

- (a) The director;
- (b) Permanent officials entrusted with supervisory functions in the Laboratory;
- (c) Permanent officials entrusted with technical functions in the Laboratory;
- (d) Non-permanent staff.

Article 12

1. Officials of the Agency assigned to the Laboratory shall participate in the United Nations Joint Staff Pension Fund, provided that they fulfil the conditions laid down in the regulations of this Fund, and also in the Agency's health insurance scheme. They shall not be required, nor shall the Agency itself, to participate in the social security scheme of the Principality or in any part of this scheme, and shall not be entitled to any of the benefits accorded thereunder by the Principality.

However, locally recruited staff may be authorized by the Agency to continue to participate in the social security scheme of the Principality.

Article 13

1. The staff members referred to in Article 11(a), (b) and (c) shall enjoy:
 - (a) Immunity from legal process, even after termination of their functions, in respect of all acts, including words spoken or written, performed by them in the exercise and within the scope of their functions. This immunity shall not extend to the violation of traffic regulations by officials of the Agency when driving a motor vehicle or to damage caused by a motor vehicle belonging to or driven by such persons;
 - (b) Exemption from all taxation in respect of the salaries and emoluments paid to them as remuneration for their work with the Agency;
 - (c) The conditions stipulated in Article 10 above with regard to entry into and sojourn in Monaco;
 - (d) If previously resident abroad, the right to import free of duty their furniture and personal effects when first establishing themselves in Monaco;
 - (e) A residence permit issued by the Monegasque or French authorities for themselves, their spouses and minor children living in their home;
 - (f) In times of international crisis, the same repatriation facilities for themselves, their spouses and minor children living in their home as are accorded to members of diplomatic missions;
 - (g) Temporary duty-free import privileges for their motor vehicles.
2. The Government of His Serene Highness the Prince of Monaco shall not be required to grant to French nationals permanently resident in Monaco the privileges mentioned in paragraph 1(b) above, nor to Monegasque nationals and persons permanently resident in Monaco the privileges mentioned in paragraph 1(c), (d), (f) and (g) above.

Article 14

1. The privileges and immunities accorded by this Agreement are not for the personal benefit of the persons concerned. They are granted for the sole purpose of ensuring, in all circumstances, the smooth operation of the Laboratory and the complete independence of the persons on whom they are conferred.
2. The Director General of the Agency or, in his absence, his representative, has the right and the duty to waive these immunities in cases where he considers that they impede the normal course of justice and can be waived without prejudice to the interests of the Agency.

Article 15

The provisions of this Agreement do not in any way affect the right of the Government of His Serene Highness the Prince of Monaco to take such measures as he deems necessary for the protection of Monaco and the safeguarding of public order, although such measures may not prejudice the independence and proper operation of the Agency.

Article 16

Any dispute between the Government of His Serene Highness the Prince of Monaco and the Agency concerning the interpretation or application of this Agreement which is not settled by negotiation or some other mode of settlement agreed between the Parties shall be referred for final and irrevocable decision to an arbitration tribunal composed of:

- (a) An arbitrator appointed by the Government of His Serene Highness the Prince of Monaco;
- (b) An arbitrator appointed by the Director General of the Agency;
- (c) An arbitrator appointed jointly by the two Parties within six months after the appointment of the second arbitrator or, in the event of disagreement, by the President of the International Court of Justice at the request of one of the Parties.

Article 17

1. This Agreement shall enter into force when the instrument setting forth the approval of the Government of His Serene Highness the Prince of Monaco and the Agency's notice of approval are exchanged.

2. At the request of either Party, consultations may be held regarding the execution, revision or extension of this Agreement. In the event that the consultations do not lead to agreement within one year, the Agreement may be denounced with notice of two years.

DONE at Monaco, on the sixteenth day of May 1986, in duplicate, in the French and English languages, both texts being equally authentic.

For the GOVERNMENT of HIS SERENE HIGHNESS
THE PRINCE OF MONACO:

(signed) Jean AUSSELL

For the INTERNATIONAL ATOMIC
ENERGY AGENCY:

(signed) Hans BLIX