



International Atomic Energy Agency

## INFORMATION CIRCULAR

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### AGREEMENT ON THE PRIVILEGES AND IMMUNITIES OF THE AGENCY

#### Acceptances by Member States

1. The list of Member States overleaf shows the 50 Members which, by 1 May 1987, had accepted the Agreement on the Privileges and Immunities of the International Atomic Energy Agency, as provided for in Section 38 thereof. Members are listed in alphabetical order, which is different in versions of this document in other languages.
2. The list is followed by the texts of such reservations to the Agreement as some of the Members in question made when depositing their respective instruments of acceptance with the Director General. The reservations are reproduced in the sequence in which the instruments of acceptance to which they relate were deposited.

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[\*] This Addendum brings up to date, and hence supersedes, Addendum 5.

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**THE AGENCY'S AGREEMENT ON PRIVILEGES AND IMMUNITIES**

**Acceptances of the Agreement**

Member	Deposit of instrument of acceptance of the Agreement		Reservations to the Agreement reproduced (following the list) under number
	Date	Sequence	
Afghanistan			
Albania			
Algeria			
Argentina	15 Oct 63	18	
Australia	9 May 86	59	
Austria			
Bangladesh			
Belgium	26 Oct 65	20	7
Bolivia	10 Apr 68	30	
Brazil	13 Jun 66	21	
Bulgaria	17 Jun 68	31	14
Burma			
Byelorussian Soviet Socialist Republic	2 Dec 66	25	11
Canada	15 Jun 66	22	8
Chile			
China	16 Jul 84	56	28
Colombia	1 Jul 83	52	
Costa Rica			
Cuba	24 Aug 82	50	25
Cyprus	27 Jul 83	53	
Czechoslovakia	7 Feb 68	29	13
Democratic Kampuchea			
Democratic People's Republic of Korea			
Denmark	14 Mar 62	10	4
Dominican Republic			
Ecuador	16 Apr 69	32	
Egypt	12 Feb 63	13	
El Salvador			
Ethiopia			
Finland	29 Jul 60	1	
France			
Gabon			
German Democratic Republic	30 Oct 74	44	21
Germany, Federal Republic of	4 Aug 60	2	1
Ghana	16 Dec 63	19	
Greece	2 Nov 70	38	
Guatemala			
Haiti			
Holy See	21 Jan 86	58	

Member	Deposit of instrument of acceptance of the Agreement		Reservations to the Agreement reproduced (following the list) under number
	Date	Sequence	
Hungary	14 Jul 67	26	12
Iceland			
India	10 Mar 61	4	
Indonesia	4 Jun 71	39	18
Iran, Islamic Republic of	21 May 74	43	
Iraq	23 Nov 60	3	
Ireland	29 Feb 72	40	
Israel			
Italy	20 Jun 85	57	29
Ivory Coast			
Jamaica	5 Sep 67	27	
Japan	18 Apr 63	15	
Jordan	27 Oct 82	51	26
Kenya			
Korea, Republic of	17 Jan 62	9	3
Kuwait			
Lebanon			
Liberia			
Libyan Arab Jamahiriya			
Liechtenstein			
Luxembourg	24 Mar 72	41	19
Madagascar			
Malaysia			
Mali			
Mauritius	7 Apr 75	45	
Mexico	19 Oct 83	54	27
Monaco			
Mongolia	12 Jan 76	46	22
Morocco	30 Mar 77	47	23
Namibia			
Netherlands[*]	29 Aug 63	16	
New Zealand	22 Jun 61	5	
Nicaragua	17 Oct 77	48	
Niger	17 Jun 69	33	
Nigeria			
Norway	10 Oct 61	8	
Pakistan	16 Apr 63	14	6
Panama			
Paraguay			
Peru			
Philippines	17 Dec 62	12	
Poland	24 Jul 70	36	16

[\*] As of 1 January 1986, the individual countries of the Kingdom of Netherlands consist of the Netherlands, the Netherlands Antilles, and Aruba.

Member	Deposit of instrument of acceptance of the Agreement		Reservations to the Agreement reproduced (following the list) under number
	Date	Sequence	
Portugal			
Qatar			
Romania	7 Oct 70	37	17
Saudi Arabia			
Senegal			
Sierra Leone			
Singapore	19 Jul 73	42	20
South Africa			
Spain	21 May 84	55	
Sri Lanka			
Sudan			
Sweden	8 Sep 61	6	
Switzerland	16 Sep 69	35	15
Syrian Arab Republic			
Thailand	15 May 62	11	5
Tunisia	28 Dec 67	28	
Turkey	26 Jun 78	49	24
Uganda			
Ukrainian Soviet Socialist Republic	5 Oct 66	24	10
Union of Soviet Socialist Republics	1 Jul 66	23	9
United Arab Emirates			
United Kingdom of Great Britain and Northern Ireland	19 Sep 61	7	2[*]
United Republic of Cameroon			
United Republic of Tanzania			
United States of America			
Uruguay			
Venezuela			
Viet Nam	31 Jul 69	34	
Yugoslavia	14 Oct 63	17	
Zaire			
Zambia			

[\*] Reservations, as amended, withdrawn in their entirety.

## Reservations to the Agreement

### 1. Germany, Federal Republic of

"The Government .... reserves, with reference to Article 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."  
(Original English)

### 2. United Kingdom of Great Britain and Northern Ireland

(a) "(1) The Government of the United Kingdom do not undertake to grant any privileges or immunities under Section 18(a)(iii), (v) and (vi), Section 18(b), Section 20, or Section 23(a) and (f) to any person who is a citizen of the United Kingdom and Colonies.

"(2) The Government of the United Kingdom, while undertaking to grant privileges and immunities under Section 20 to Deputy Directors General, do not undertake to grant any privileges or immunities under Section 20 to any other official acting on behalf of the Director General of the Agency during his absence from duty.

"(3) The Government of the United Kingdom do not undertake to apply the said Agreement in any of the territories for whose international relations they are responsible other than the Channel Islands and the Isle of Man." (Original English)

(b) Amendments in the following terms to Reservations (1) and (3) above were communicated in a note dated 13 July 1962:

".... the Government of the UK desire to withdraw in part Res. (1) to the said Acceptance. The revised reservation should read:

'The Government of the United Kingdom do not undertake to grant to any person who is a citizen of the United Kingdom and Colonies any privileges or immunities under:

Section 18(a)(iii), (v) and (vi);

Section 18(b) - to the extent that that paragraph entails the grant of the privileges and immunities referred to in Section 23(a) and (f);

Section 20; or

Section 23(a) and (f)'.  
'

".... the Government of the United Kingdom desire to withdraw Reservation (3) to their Acceptance, except that, in its application to the Federation of Rhodesia and Nyasaland, Reservation (1) to the said Acceptance shall read as if the words 'or a citizen of the Federation of Rhodesia and Nyasaland' were included after the words 'any person who is a

citizen of the United Kingdom and Colonies' and that, in its application to the State of Singapore, Reservation (1) to the said Acceptance shall read as if the words 'or a citizen of the State of Singapore' were included after the words 'any person who is a citizen of the United Kingdom and Colonies'." (Original English)

- (c) A further amendment to Reservation (1) was communicated in a letter dated 10 December 1965. It reads:

"The Government of the United Kingdom do not undertake to grant to any person who is a citizen of the United Kingdom and Colonies, or, in the application of the Agreement to Southern Rhodesia, to any person who is a citizen of the United Kingdom and Colonies or a citizen of Southern Rhodesia, any privileges and immunities under:

Section 18(a)(iii), (v) and (vi);

Section 18(b) - to the extent that that paragraph entails the grant of the privileges and immunities referred to in Section 23(a) and (f);

Section 20; or

Section 23(a) and (f)." (Original English)

3. Korea, Republic of

"Locally recruited personnel who are considered as officials of the Agency under the Agreement shall not enjoy the privileges and immunities set forth in paragraphs (ii), (iii), (iv), (v) and (vi) of Section 18, and Section 19." (Original Korean; English translation furnished by the Government)

4. Denmark

"Notwithstanding Sections 20 and 32, the Danish Government reserve the right to apply the Danish legislation concerning duties and excise taxes to Danish citizens, and to other persons in so far as they conduct private business in Denmark." (Original English)

5. Thailand

".... with the reservation that the officials of the Agency to be accorded privileges and immunities according to this Agreement who are of Thai nationality shall not be immune from national service obligation." (Original English)

6. Pakistan

- (a) ".... with the reservation that the concessions and privileges conferred by the Agreement on the employees of the Agency should not be admissible to the Pakistani nationals serving on the staff of the Agency in Pakistan." (Original English)

- (b) An amended version of this reservation was communicated in a note dated 29 September 1966. It reads:

".... with the reservation that the concessions and privileges conferred by the Agreement on the employees of the Agency, other than those which also follow from Article XV of the Statute, such as immunity from legal process in respect of words spoken or written and all acts performed by them in their official capacity, should not be admissible to the Pakistani nationals serving on the staff of the Agency in Pakistan." (Original English)

7. Belgium

"In accordance with Article XII, Section 38 of the Agreement on the Privileges and Immunities of the International Atomic Energy Agency, approved by the Board of Governors at Vienna on 1 July 1959, the Government of the Kingdom of Belgium hereby excludes from the application of the said Agreement the provisions contained in the last sentence of Article VI, Section 20." (Original French; translation by the Secretariat)

8. Canada

".... exemption from liability for any taxes or duties imposed by any law in Canada should not extend to a Canadian citizen residing or ordinarily resident in Canada." (Original English)

9. Union of Soviet Socialist Republics

"The Union of Soviet Socialist Republics does not consider itself bound by the provisions of Sections 26 and 34 of the Agreement, under which there is an obligation to submit to the jurisdiction of the International Court of Justice. With regard to the question of referring to the International Court of Justice differences arising out of the interpretation or application of the Agreement, the USSR adheres as before to the position that the consent of all parties involved in a dispute must be obtained in each individual case before that dispute can be referred to the International Court of Justice. This reservation applies equally to the provision in Section 34 that the opinion given by the Court shall be accepted as decisive." (Original Russian; translation by the Secretariat)

10. Ukrainian Soviet Socialist Republic

"The Ukrainian Soviet Socialist Republic does not consider itself bound by the provisions of Sections 26 and 34 of the Agreement, under which there is an obligation to refer to the International Court of Justice all disputes arising out of the interpretation or application of the Agreement. With regard to the question of the Court's jurisdiction in respect of such disputes, the Ukrainian SSR continues to take the view that the consent of all parties involved in a dispute must be obtained in each individual case before that dispute can be referred to the International Court of Justice. This reservation applies equally to the provision in Section 34 that the advisory opinion given by the Court shall be accepted by the parties as decisive." (Original Russian; translation by the Secretariat)

11. Byelorussian Soviet Socialist Republic

"The Byelorussian Soviet Socialist Republic does not consider itself bound by the provisions of Sections 26 and 34 of the Agreement, under which there is an obligation to submit to the jurisdiction of the International Court of Justice. With regard to the question of referring to the International Court of Justice differences arising out of the interpretation or application of the Agreement, the Byelorussian SSR adheres as before to the position that the consent of all parties involved in a dispute must be obtained in each individual case before that dispute can be referred to the International Court of Justice. This reservation applies equally to the provision in Section 34 that the opinion given by the Court shall be accepted as decisive." (Original Russian; translation by the Secretariat)

12. Hungary

"The Hungarian People's Republic accepts Sections 26 and 34 of the Agreement with the reservation that disputes regarding the interpretation and application of the Agreement shall be referred to the International Court of Justice only with the consent of all parties involved in the given dispute.

"The Hungarian People's Republic makes a reservation also with regard to the provision in Section 34 making the advisory opinion of the Court decisive in certain cases." (Original Hungarian; certified English translation furnished by the Government)

13. Czechoslovakia

".... the Czechoslovak Socialist Republic does not consider itself bound by the provisions of Sections 26 and 34 of the Agreement, which assume the obligatory jurisdiction of the International Court of Justice with regard to differences arising out of the interpretation or application of the Agreement; as regards the competence of the International Court of Justice in respect to such differences, the Czechoslovak Socialist Republic holds the view that, for a specific difference to be referred for settlement to the International Court of Justice, the consent of all parties thereto must be obtained in each individual case. This reservation also refers to the provisions of Section 34, according to which the parties shall accept as decisive the opinion given by the International Court of Justice." (Original Czech; translation by the Secretariat)

14. Bulgaria

"The People's Republic of Bulgaria does not consider itself bound by the provisions of Sections 26 and 34 of the Agreement. The People's Republic of Bulgaria considers that a dispute on the interpretation and application of the Agreement may be referred to the International Court of Justice only after the parties to the dispute have given their consent in respect of each individual case. This reservation applies equally to Section 34, which states that the opinion of the Court shall be accepted as decisive by the parties." (Original Bulgarian; translation by the Secretariat from a certified French translation furnished by the Government)



15. Switzerland

"With regard to Article VI, Section 19, second paragraph, Switzerland reserves the right not to grant the deferments in call-up requested by the Agency, it being understood however that such requests will receive sympathetic consideration on the part of the competent Federal authorities." (Original French; translation by the Secretariat)

16. Poland

".... with the reservation, in respect of Sections 26 and 34 of the Agreement, that differences arising out of the interpretation and application of the Agreement may be referred to the International Court of Justice only with the consent of all parties to the dispute. The People's Republic of Poland further reserves the right not to accept the advisory opinion of the International Court of Justice as decisive; ...." (Original French; translation by the Secretariat)

17. Romania

".... the Socialist Republic of Romania does not consider itself bound by the provisions of Section 34, or by the provisions of Section 26 to the extent that they refer to Section 34. The Socialist Republic of Romania holds the view that differences arising out of the interpretation or application of the Agreement may be referred to the International Court of Justice only with the consent, in each individual case, of all parties to the dispute." (Original French; translation by the Secretariat)

18. Indonesia

"Article II, Section 2(b):

The capacity of the International Atomic Energy Agency to acquire and dispose of immovable property shall be exercised with due regard to national laws and regulations.

"Article X, Section 34:

With regard to the competence of the International Court of Justice in disputes concerning the interpretation or application of the Convention, the Government of Indonesia reserves the right to maintain that in every individual case the agreement of the parties to the dispute is required before the Court for a ruling.

"Article VI, Section 18:

The concessions and privileges conferred by the Agreement on the employees of the Agency, other than those which also follow from Article XV of the Statute, such as immunity from legal process in respect of words spoken or written and all acts performed by them in their official capacity, should not be admissible to the Indonesian Nationals serving on the staff of the Agency in Indonesia."

(Original English)

19. Luxembourg

"In applying the provisions of Article XII, Section 38 of the Agreement, Luxembourg will not give effect to the last sentence of Article VI, Section 20." (Original French; translation by the Secretariat)

20. Singapore

".... officials of the Agency, who are Singapore citizens shall not enjoy exemption from taxation on salaries and emoluments paid to them by the Agency." (Original English)

21. German Democratic Republic

"The German Democratic Republic does not consider itself bound by the provisions of Sections 26 and 34 of the Agreement, under which there is an obligation to submit to the jurisdiction of the International Court of Justice. With regard to the competence of the International Court of Justice in respect of disputes arising out of the interpretation or application of the Agreement, the German Democratic Republic holds the view that the consent of all parties involved in a dispute must be obtained in each individual case before the dispute can be referred to the International Court of Justice for settlement.

"This reservation applies equally to the provision in Section 34, that the opinion delivered by the International Court of Justice shall be accepted as decisive." (English translation furnished by the Government)

22. Mongolia

"The Mongolian People's Republic does not consider itself bound by the provisions of Sections 26 and 34 of the Agreement concerning the jurisdiction of the International Court of Justice. The Mongolian People's Republic considers that any dispute arising out of the interpretation and application of the Agreement should be referred to the International Court of Justice with the consent of all parties to the dispute in each individual case. This reservation applies equally to the provision of Section 34 which states that the opinion given by the Court shall be accepted as decisive by the parties." (English translation furnished by the Government)

23. Morocco

" - The IAEA shall take due account of the national laws and regulations in acquiring and possessing immovable property in Morocco;

" - The privileges and immunities recognized under the Agreement shall not be extended to the officials of the IAEA who are Moroccan nationals serving in Morocco;

" - In the case of disputes, any recourse to the International Court of Justice shall be based on the consent of all the parties concerned." (Original Arabic; translation by the Secretariat from a French translation furnished by the Government)

24. Turkey

"A) With regard to the postponement of national service of Turkish nationals who will be recruited by the International Atomic Energy Agency with reference to Section 19 of the said Agreement, relevant Turkish legislation shall be applied.

"B) The officials of Turkish nationality who will be missioned in Turkey by the International Atomic Energy Agency, shall be subject to the taxes levied on Turkish nationals. They shall, in accordance with the provisions of part 4, Section 2 of Income Tax Law No. 5421, inform their wages by means of annual declarations." (Original English)

25. Cuba

"The Republic of Cuba does not consider itself bound by the provisions of Sections 26 and 34 of Articles VIII and X of the Agreement on the Privileges and Immunities of the International Atomic Energy Agency under which the International Court of Justice shall have obligatory jurisdiction in differences which may arise out of the interpretation or application of the Agreement. With regard to the competence of the International Court of Justice on such matters, Cuba holds that for a difference to be referred to the Court for settlement the consent of all parties involved must be obtained in each particular case." (Original Spanish; translation by the Secretariat)

26. Jordan

"The privileges and immunities recognized under this agreement shall not be extended to the officials of the IAEA who are Jordanian nationals if their station is in Jordan itself." (Original English)

27. Mexico

"1. In acceding to the Agreement on the Privileges and Immunities of the Agency, which was adopted on 1 July 1959, the Mexican Government declares that the capacity to acquire and dispose of immovable property, mentioned in Article II, Section 2 of the Agreement, shall be subject to applicable national legislation.

"2. Agency officials and experts of Mexican nationality, in the exercise of their functions in Mexican territory, shall enjoy only those privileges which are conferred, as appropriate, by sub-paragraphs (i), (iii) and (vi) of Section 18 and paragraphs (a), (b), (c), (d) and (f) of Section 23, on the understanding that the inviolability mentioned in sub-paragraph (c) of Section 23 shall be granted only for official papers and documents.

"3. The Provisions relating to the holding of funds, gold or currency of any kind and of accounts in any currency and to the transfer and convertibility of such currency in Mexican territory shall be subject to the relevant legal provisions in force."

A note explaining the reservation contained in paragraph 3 reads as follows:

"The Government of Mexico interprets this reservation to mean that the relevant legal provisions will be implemented in such a way as not to impede or impair the effective execution of the technical assistance and co-operation programmes in which Mexico is participating." (Original Spanish; translation by the Secretariat)

28. China

"... it has reservations on Sections 26 and 34, which stipulate that differences shall be referred to the International Court of Justice and the opinion given by the Court shall be accepted as decisive by the parties to the difference." (Original Chinese, with official English translation)

A Note explaining the reservations reads as follows:

"The reservations referred to in the said instrument are not intended on the entire provisions of Section 26 of the Agreement, but only on those provisions regarding the reference of differences to the International Court of Justice and the decisiveness of opinions of the Court." (Original English)

29. Italy

"1. With regard to the exemptions from taxation referred to in Section 18(a)(ii) of Article VI of the Agreement, the Italian Government reserves the right to take into account the total amount of salaries and emoluments received by Italian officials of the Agency resident in Italy and by other officials of the Agency permanently resident in Italy, for the purposes of possible taxation of income derived from other sources in Italy.

"2. The immunity from legal process referred to in Article III, Section 3, Article V, Section 12(a), Article VI, Section 18(a)(i) and Article VII, Section 23(a) and (b) of the Agreement shall not apply either in the case of a civil action instituted by a third party for damages resulting from an accident caused by a motor vehicle belonging to an official of the Agency, a representative of a Member at meetings convened by the Agency or an expert on mission for the Agency, or in the case of violations of traffic laws involving the above vehicles." (Original French, translation by the Secretariat)