



International Atomic Energy Agency

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AGREEMENT ON THE PRIVILEGES AND IMMUNITIES OF THE AGENCY

Acceptances by Member States

1. The list of Member States shows the 63 Members which, by 28 February 1993, had accepted the Agreement on the Privileges and Immunities of the International Atomic Energy Agency, as provided for in Section 38 thereof.
2. The list is followed by the texts of reservations made to the Agreement.

*/ This Addendum brings up to date, and hence supersedes, Addendum 8.

THE AGENCY'S AGREEMENT ON PRIVILEGES AND IMMUNITIES

Acceptances of the Agreement

Status as at 28 February 1993

| Member | Date of deposit of instrument of acceptance |
|--|--|
| Afghanistan | |
| Albania | |
| Algeria | |
| Argentina | 15 Oct 1963 |
| Australia | 9 May 1986 |
| Austria | |
| Bangladesh | |
| Belarus* | 2 Dec 1966 |
| Belgium* | 26 Oct 1965 |
| Bolivia | 10 Apr 1968 |
| Brazil | 13 Jun 1966 |
| Bulgaria* | 17 Jun 1968 |
| Cambodia | |
| Cameroon | 22 Sep 1988 |
| Canada* | 15 Jun 1966 |
| Chile* | 8 Dec 1987 |
| China* | 16 Jul 1984 |
| Colombia | 1 Jul 1983 |
| Costa Rica | |
| Côte d'Ivoire | |
| Croatia | 12 February 1993 (succession) |
| Cuba* | 24 Aug 1982 |
| Cyprus | 27 Jul 1983 |
| Democratic People's Republic of Korea | |
| Denmark* | 14 Mar 1962 |
| Dominican Republic | |
| Ecuador | 16 Apr 1969 |
| Egypt | 12 Feb 1963 |
| El Salvador | |
| Estonia | 12 Feb 1992 |
| Ethiopia | |
| Finland | 29 Jul 1960 |
| France | |
| Gabon | |
| Germany* | 4 Aug 1960 |
| Ghana | 16 Dec 1963 |
| Greece | 2 Nov 1970 |
| Guatemala | |
| Haiti | |
| Holy See | 21 Jan 1986 |

* Indicates that a reservation was deposited upon or following acceptance.

| Member | Date of deposit of instrument of acceptance |
|------------------------|---|
| Hungary* | 14 Jul 1967 |
| Iceland | |
| India | 10 Mar 1961 |
| Indonesia* | 4 Jun 1971 |
| Iran, Islamic Rep.of | 21 May 1974 |
| Iraq | 23 Nov 1960 |
| Ireland | 29 Feb 1972 |
| Israel | |
| Italy* | 20 Jun 1985 |
| Jamaica | 5 Sep 1967 |
| Japan | 18 Apr 1963 |
| Jordan* | 27 Oct 1982 |
| Kenya | |
| Korea, Republic of* | 17 Jan 1962 |
| Kuwait | |
| Lebanon | |
| Liberia | |
| Libyan Arab Jamahiriya | |
| Liechtenstein | |
| Luxembourg* | 24 Mar 1972 |
| Madagascar | |
| Malaysia | |
| Mali | |
| Mauritius | 7 Apr 1975 |
| Mexico* | 19 Oct 1983 |
| Monaco | |
| Mongolia* 1/ | 12 Jan 1976 |
| Morocco* | 30 Mar 1977 |
| Myanmar | |
| Namibia | |
| Netherlands | 29 Aug 1963 |
| New Zealand | 22 Jun 1961 |
| Nicaragua | 17 Oct 1977 |
| Niger | 17 Jun 1969 |
| Nigeria | |
| Norway | 10 Oct 1961 |
| Pakistan* | 16 Apr 1963 |
| Panama | |
| Paraguay | |
| Peru | |
| Philippines | 17 Dec 1962 |
| Poland* | 24 Jul 1970 |
| Portugal | |
| Qatar | |
| Romania* | 7 Oct 1970 |

1/ Indicates that the reservation was withdrawn in its entirety.

| Member | Date of deposit of instrument of acceptance |
|-----------------------------|---|
| Russian Federation* 2/ | 1 Jul 1966 |
| Saudi Arabia | |
| Senegal | |
| Sierra Leone | |
| Singapore* | 19 Jul 1973 |
| Slovenia | 21 Sep 1992 (succession) |
| South Africa | |
| Spain | 21 May 1984 |
| Sri Lanka | |
| Sudan | |
| Sweden | 8 Sep 1961 |
| Switzerland* | 16 Sep 1969 |
| Syrian Arab Republic | 18 Dec 1989 |
| Thailand* | 15 May 1962 |
| Tunisia | 28 Dec 1967 |
| Turkey* | 26 Jun 1978 |
| Uganda | |
| Ukraine* | 5 Oct 1966 |
| United Arab Emirates | |
| United Kingdom* 1/ | 19 Sep 1961 |
| United Republic of Tanzania | |
| United States | |
| Uruguay | |
| Venezuela | |
| Viet Nam | 31 Jul 1969 |
| Yugoslavia ^{3/} | 14 Oct 1963 |
| Zaire | |
| Zambia | |
| Zimbabwe | |

Status: 28 February 1993
Acceptances: 63

2/ On 26 December 1991, the Director General received a Note from the Minister of Foreign Affairs of the Russian Federation informing him, inter alia, that the membership of the Union of Soviet Socialist Republics "in all conventions, agreements and other international legal instruments, which were concluded within its framework or under its aegis is continued by the Russian Federation and in this connection in the IAEA the name 'The Russian Federation' should be used in the place of the name 'The Union of Soviet Socialist Republics'."

3/ On 28 April 1992, the Director General received a Note from the Permanent Mission of the Socialist Federal Republic of Yugoslavia informing him that, inter alia, the Federal Republic of Yugoslavia (Serbia and Montenegro) "shall continue to fulfil all the rights conferred to and obligations assumed by the Socialist Federal Republic of Yugoslavia in international relations, including ... participation in international treaties ratified or acceded to by Yugoslavia."

RESERVATIONS TO THE AGREEMENT ON PRIVILEGES AND IMMUNITIES
OF THE INTERNATIONAL ATOMIC ENERGY AGENCY

Belarus

"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)

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)

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)

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)

Chile

- "(a) The Government of Chile enters a reservation to the effect that the privileges and immunities granted to the officials of the International Atomic Energy Agency shall not extend to Chilean nationals serving in Chile as officials of the Agency;
- (b) The Government of Chile enters a reservation regarding the provisions of Section 4 in the sense that, in accordance with Chilean constitutional practice and domestic law, the property and assets of the International Atomic Energy Agency may be expropriated under a general or special enactment authorizing expropriation on grounds of public importance or national interest, as established by the legislator." (Original Spanish; translation by the Secretariat)

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 agreement 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)

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)

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 insofar as they conduct private business in Denmark." (Original English)

Germany

"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)

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)

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)

Italy

"1. With regard to the exemption 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 the 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.

(Italy cont.)

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)

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)

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)

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)

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."

(Mexico cont.)

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)

Mongolia (subsequently withdrawn in its entirety)

"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)

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)

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)

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)

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 Secretariat)

Russian Federation

"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)

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)

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)

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)

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)

Ukraine

"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)

United Kingdom (subsequently withdrawn in its entirety)

- (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)

(United Kingdom cont.)

- (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 the 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 the 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)