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THE TEXTS OF THE AGENCY'S AGREEMENTS WITH THE
REPUBLIC OF AUSTRIA

V. Supplemental Agreement on the Establishment of an
Agency Commissary

1. The text [1] of the Supplemental Agreement on the Establishment of an Agency Commissary is reproduced in this document for the information of all Members.
2. The Supplemental Agreement entered into force on 1 April 1972 pursuant to Article VII, hereby superseding the Supplemental Agreement which was the subject of documents INFCIRC/15, part V and INFCIRC/15/Add. 1.

[1] The footnote to the text has been added in the present information circular.

V

SUPPLEMENTAL AGREEMENT ON THE ESTABLISHMENT OF AN
AGENCY COMMISSARY, FOR THE PURPOSE OF IMPLEMENTING
SECTION 38(j)(iii) OF THE AGREEMENT OF 11 DECEMBER 1957
BETWEEN THE INTERNATIONAL ATOMIC ENERGY AGENCY
AND THE REPUBLIC OF AUSTRIA REGARDING THE
HEADQUARTERS OF THE INTERNATIONAL ATOMIC ENERGY
AGENCY, AS AMENDED BY THE AGREEMENT OF 4 JUNE 1970

Text of a Note dated 1 March 1972 from the Director General
to the Austrian Federal Minister for Foreign Affairs

Article XV, Section 38(j) of the Agreement between the International Atomic Energy Agency and the Republic of Austria regarding the Headquarters of the International Atomic Energy Agency of 11 December 1957 as amended by the Agreement between the International Atomic Energy Agency and the Republic of Austria of 4 June 1970 [2] provides that officials of the International Atomic Energy Agency as defined in its Article I, Section 1 (o), shall have:

"The right to import for personal use, free of duty and other levies, prohibitions and restrictions on imports;

....

(iii) Limited quantities of certain articles for personal use or consumption and not for gift or sale; the IAEA may establish a commissary for the sale of such articles to its officials, to the Governors and Resident Representatives to the IAEA and those of their alternates, advisers and experts who have diplomatic status; a Supplemental Agreement shall be concluded between the Government and the IAEA to regulate the exercise of these rights. "

This Note contains a proposal for a Supplemental Agreement as provided for above, the terms of which are as follows.

The International Atomic Energy Agency (hereinafter referred to as "the IAEA") and the Federal Government of the Republic of Austria (hereinafter referred to as "the Government"), for the purpose of implementing the relevant provisions of Article XV, Section 38(j)(iii) of the Agreement between the IAEA and the Republic of Austria regarding the Headquarters of the IAEA of 11 December 1957 as amended by the Agreement between the IAEA and the Republic of Austria of 4 June 1970 (hereinafter referred to as "the Headquarters Agreement"), have agreed as follows:

[2] Reproduced in documents INFCIRC/15, part I and INFCIRC/15/Mod. 2 respectively.

Article I

The importation of limited quantities of certain articles (except automobiles, furniture and personal effects, to which the provisions of Article XV, Section 38(j)(i) and (ii) of the Headquarters Agreement apply) for personal use and consumption of the persons referred to in Article II and also for the purpose defined in Article V will be effectuated by a service within the IAEA called the "Commissary". Regulations to be issued by the Director General of the IAEA will ensure that this privilege is used consistently with the provisions of the Headquarters Agreement and especially that the imported articles shall not be used for gift or sale. Such regulations will be communicated to the Government for information.

Article II

- (1) The following categories of persons shall have access to the Commissary.
 - (a) Officials of the IAEA as well as officials of the United Nations and of the specialized agencies attached to the IAEA on a continuing basis;
 - (b) Governors and Resident Representatives to the IAEA and those of their alternates, advisers and experts who have diplomatic status - Austrian nationals and stateless persons resident in Austria excluded;
 - (c) The heads of delegations of Member States to meetings of or convened by the IAEA - Austrian nationals and stateless persons resident in Austria excluded.
- (2) It is understood that persons referred to in paragraph (1) above who have access to the Commissary of another international organization shall have access to the IAEA Commissary only if and as long as they waive their right of access to that other Commissary.
- (3) The IAEA shall communicate to the Government a list of persons having access to the Commissary under paragraph (1)(b) above and shall revise such list from time to time as may be necessary.

Article III

The categories of articles which may be imported for and sold by the Commissary are

- (1) Tobacco products and smoking equipment
- (2) Alcoholic beverages
- (3) Non-alcoholic beverages
- (4) Foodstuffs and alimentary products
- (5) Cosmetics and toilet preparations (including perfumes); deodorants, tooth brushes, razors and razor blades

- (6) Scouring preparations; polishes and similar products for furniture., floors, carpets and silver articles; dusters and similar cleaning cloths; cloths and sponges of plastic material
- (7) Soaps, surf ace-active preparations and washing preparations; glazings and dressings for textiles; disinfectants, insecticides and similar products
- (8) Medical supplies and pharmaceuticals, excluding those requiring a doctor's control
- (9) Writing and wrapping materials (including printed greeting cards); paper napkins, paper towels and handkerchiefs; cleansing tissue; toilet paper
- (10) Photographic material, except cameras and other equipment
- (11) Women's and men's underwear and hosiery; baby equipment and apparel for children of pre-school age; sanitary towels and pads, of wadding or textile fabric
- (12) Books, newspapers and magazines
- (13) Phonograph records and magnetic tapes, whether or not recorded.

Article IV

- (1) The persons mentioned in Article II shall be entitled to purchase such quantities of goods as they require for their personal use and that of members of their family forming part of their household. Such persons having diplomatic status, notwithstanding other privileges they may enjoy by virtue of that status, are additionally entitled to purchase goods for official entertainment.
- (2) The persons mentioned in Article II, paragraph (1)(a) who are Austrian nationals or stateless persons resident in Austria shall be entitled to purchase tobacco products and alcoholic beverages in limited quantities only (600 cigarettes or 150 cigars or 750 grammes of tobacco or an assortment of these products up to a total weight of 750 grammes, 2 litres of spirits, 12 litres of other alcoholic beverages and 24 bottles of beer per month).
- (3) Other persons mentioned in Article II, paragraph (1)(a) who do not have diplomatic status shall be entitled to purchase tobacco products and spirits in limited quantities only (1200 cigarettes or 300 cigars or 1500 grammes of tobacco or an assortment of these products up to a total weight of 1500 grammes and 6 litres of spirits per month).

Article V

If the IAEA establishes a restaurant and cafeteria for personnel and guests, it shall be entitled to draw from the Commissary any quantities of articles necessary for the operation of these facilities.

Article VI

Informal consultation as may be necessary will be arranged at the administrative level concerning technical details of this Supplemental Agreement.

Article VII

This Supplemental Agreement shall enter into force on 1 April 1972 and shall remain in force for the duration of the Headquarters Agreement.

Article VIII

A request for the revision of this Supplemental Agreement may be made at any time by any of the two Parties by means of a notification in writing addressed to the other Party. Due consideration shall be given to the motivation of such request which shall be the subject of a common examination by the two Parties. Amendments to this Supplemental Agreement, as agreed upon by both Parties, shall enter into force through an Exchange of Notes between the Director General of the IAEA and the duly authorized representative of the Government.

I have the honour to propose that this Note and your Note of reply agreeing with the contents of this Note will constitute the Supplemental Agreement relating to Article XV, Section 38(j)(iii) of the Headquarters Agreement as amended by the Agreement between the International Atomic Energy Agency and the Republic of Austria of 4 June 1970.

Text of the Note of Reply dated 1 March 1972 from the
Austrian Federal Minister for Foreign Affairs
to the Director General

The Federal Government of the Republic of Austria has instructed me to reply to your Note of 1 March 1972, the German text of which reads as follows:

[Here follows the text, in German, of the Director General's Note]

I have the honour to confirm that the Federal Government of the Republic of Austria accepts this proposal and that your Note and this Note of Reply constitute the Supplemental Agreement relating to Article XV, Section 38(j)(iii) of the Agreement between the Republic of Austria and the International Atomic Energy Agency of 11 December 1957 as amended by the Agreement between the Republic of Austria and the International Atomic Energy Agency of 4 June 1970.