

1957 AGREEMENT BETWEEN THE INTERNATIONAL ATOMIC ENERGY AGENCY AND THE REPUBLIC OF AUSTRIA REGARDING THE HEADQUARTERS OF THE INTERNATIONAL ATOMIC ENERGY AGENCY

Adopted in Vienna, Austria on 11 December 1957

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The International Atomic Energy Agency and The Republic of Austria

Desiring to conclude an agreement to establish the seat of the International Atomic Energy Agency in or near the City of Vienna and to regulate questions arising as a result thereof;

Have appointed as their representatives for this purpose:

The International Atomic Energy Agency:

W. Sterling Cole,

Director General

and

The Federal President of the Republic of Austria:

DDr. h. c. Dipl. - Ing. Leopold Figl,

Federal Minister for Foreign Affairs

who have agreed as follows:

ARTICLE I DEFINITIONS

SECTION 1

In this Agreement,

- (a) The expression "the IAEA" means the International Atomic Energy Agency;
- (b) The expression "the Government" means the Federal Government of the Republic of Austria;
- (c) The expression "Director General" means the Director General of the IAEA or any officer designated to act on his behalf;
- (d) The expression "appropriate Austrian authorities" means such federal state, municipal or other authorities in the Republic of Austria as may be appropriate in the context and in accordance with the laws and customs applicable in the Republic of Austria;
- (e) The expression "laws of the Republic of Austria" includes:
 - (i) the federal constitution and state constitutions; and

- (ii) legislative acts, regulations and orders issued by or under authority of the Government or appropriate Austrian authorities;
- (f) The expression "headquarters seat" means:
 - (i) the headquarters area with the building or buildings upon it, as may from time to time be defined in the supplemental agreements referred to in section 3; and
 - (ii) any other land or building which may from time to time be included, temporarily or permanently, therein in accordance with this Agreement or by supplemental agreement with the Government;
- (g) The expression "Member State" means a State which is a member of the IAEA;
- (h) The expression "Governor" means a Governor appointed to the Board of Governors of the IAEA;
- (i) The expression "alternates for and advisers and experts attached to Governors" includes alternates, advisers and experts attached to Governors, but does not include clerical and other auxiliary personnel;
- (j) The expression "resident representative to the IAEA" means the principal resident representative to the IAEA designated by a Member State;
- (k) The expression "each member of the resident delegation of a Member State to the IAEA" includes members of the delegation of the resident representative to the IAEA, but does not include clerical and other auxiliary personnel;
- (l) The expression "representatives of Member States" includes accredited representatives of Member States and members of their delegations, but does not include clerical and other auxiliary personnel;
- (m) The expression "meetings convened by the IAEA" means any meetings of the General Conference of the IAEA or of the Board of Governors of the IAEA, or any international conferences or other gatherings convened by the IAEA or under its sponsorship;
- (n) The expression "archives of the IAEA" includes records and correspondence, documents, manuscripts, still and moving pictures, films and sound recordings belonging to or held by the IAEA;
- (o) The expression "officials of the IAEA" means the Director General and all members of the staff of the IAEA except those who are locally recruited and assigned to hourly rates; and
- (p) The expression "property" as used in Article VIII means all property, including funds and other assets, belonging to the IAEA or held or administered by the IAEA in furtherance of its statutory functions and all income of the IAEA.

ARTICLE II

THE HEADQUARTERS SEAT

SECTION 2

- (a) The permanent headquarters of the IAEA shall be in the headquarters seat, and shall not be removed therefrom unless the IAEA should so decide. Any transfer of the headquarters temporarily to another place shall not constitute a removal of the permanent headquarters unless there is an express decision by the IAEA to that effect.
- (b) Any building which is used with the concurrence of the Government for meetings convened by the IAEA shall be temporarily included in the headquarters seat.
- (c) The appropriate Austrian authorities shall take whatever action may be necessary to ensure that the IAEA shall not be dispossessed of all or any part of the headquarters seat without the express consent of the IAEA.

SECTION 3

The Government grants to the IAEA, and the IAEA accepts from the Government, the permanent use and occupation of a headquarters seat as may from time to time be defined in supplemental agreements to be concluded between the IAEA and the Government.

SECTION 4

- (a) To enable the IAEA to participate in the United Nations network of short-wave communications, the Government shall, upon request, grant to the IAEA for official purposes appropriate radio and other telecommunication facilities in conformity with technical arrangements to be made with the International Telecommunication Union.
- (b) The IAEA may establish and operate such additional radio and other telecommunication facilities as may be specified by supplemental agreement between the IAEA and the appropriate Austrian authorities.

SECTION 5

The IAEA may establish and operate research and other technical facilities of any type. These facilities shall be subject to appropriate safeguards which, in the case of facilities which might create hazards to health or safety or interfere with property shall be agreed with the appropriate Austrian authorities.

SECTION 6

The facilities provided for in sections 4 and 5 may, to the extent necessary for efficient operation, be established and operated outside the headquarters area. The appropriate Austrian authorities shall, at the request of the IAEA, make arrangements, on such terms and in such manner as may be agreed upon by supplemental agreement, for the acquisition or use by the IAEA of appropriate premises for such purposes and for the inclusion of such premises in the headquarters seat.

ARTICLE III

EXTRATERRITORIALITY OF THE HEADQUARTERS SEAT

SECTION 7

- (a) The Government recognizes the extraterritoriality of the headquarters seat, which shall be under the control and authority of the IAEA as provided in this Agreement.
- (b) Except as otherwise provided in this Agreement, and subject to any regulation enacted under section 8, the laws of the Republic of Austria shall apply within the headquarters seat.
- (c) Except as otherwise provided in this Agreement, the courts or other appropriate organs of the Republic of Austria shall have jurisdiction, as provided in applicable laws, over acts done and transactions taking place in the headquarters seat.

SECTION 8

- (a) The IAEA shall have the power to make regulations, operative within the headquarters seat, for the purpose of establishing therein any conditions necessary for the full execution of its functions. No laws of the Republic of Austria which are inconsistent with a regulation of the IAEA authorized by this section shall, to the extent of such inconsistency, be applicable within the headquarters seat. Any dispute between the IAEA and the Republic of Austria as to whether a regulation of the IAEA is authorized by this section or as to whether a law of the Republic of Austria is inconsistent with any regulation of the IAEA authorized by this section shall be promptly settled by the procedure set out in section 51. Pending such settlement, the regulation of the IAEA shall apply and the law of the Republic of Austria shall be inapplicable in the headquarters seat to the extent that the IAEA claims it to be inconsistent with the regulation of the IAEA.
- (b) The IAEA shall from time to time inform the Government, as may be appropriate, of regulations made by it falling within sub-section (a).
- (c) This section shall not prevent the reasonable application of fire protection or sanitary regulations of the appropriate Austrian authorities.

SECTION 9

- (a) The headquarters seat shall be inviolable. No officer or official of the Republic of Austria, Or other person exercising any public authority within the Republic of Austria, shall enter the headquarters seat to perform any duties therein except with the consent of, and under conditions approved by, the Director General. The service of legal process, including the seizure of private property shall not take place within the headquarters seat except with the express consent of, and under conditions approved by, the Director General.
- (b) Without prejudice to Article XI, the IAEA shall prevent the headquarters seat from being used as a refuge by persons who are avoiding arrest under any law of the Republic of Austria, who are required by the Government for extradition to another country, or who are endeavouring to avoid service of legal process.

ARTICLE IV PROTECTION OF THE HEADQUARTERS SEAT

SECTION 10

- (a) The appropriate Austrian authorities shall exercise due diligence to ensure that the tranquility of the headquarters seat is not disturbed by any person or group of persons attempting unauthorized entry into or creating disturbances in the immediate vicinity of the headquarters seat, and shall provide on the boundaries of the headquarters seat such police protection as may be required for this purpose.
- (b) If so requested by the Director General, the appropriate Austrian authorities shall provide a sufficient number of police for the preservation of law and order in the headquarters seat.

SECTION 11

The appropriate Austrian authorities shall take all reasonable steps to ensure that the amenities of the headquarters seat are not prejudiced and that the purposes for which the headquarters seat is required are not obstructed by any use made of the land or buildings in the vicinity of the headquarters seat. The IAEA shall take all reasonable steps to ensure that the amenities of the land in the vicinity of the headquarters seat are not prejudiced by any use made of the land or buildings in the headquarters seat.

ARTICLE V PUBLIC SERVICES IN THE HEADQUARTERS SEAT

SECTION 12

- (a) The appropriate Austrian authorities shall exercise, to the extent requested by the Director General, their respective powers to ensure that the headquarters seat shall be supplied with the necessary public services, including, without limitation by reason of this enumeration, electricity, water, sewerage, gas, post, telephone, telegraph, local transportation, drainage, collection of refuse, fire protection and snow removal from public streets, and that such public services shall be supplied on equitable terms.
- (b) In case of any interruption or threatened interruption of any such services, the appropriate Austrian authorities shall consider the needs of the IAEA as being of equal importance with those of essential agencies of the Government, and shall take steps accordingly to ensure that the work of the IAEA is not prejudiced.
- (c) The Director General shall, upon request, make suitable arrangements to enable duly authorized representatives of the appropriate public service bodies to inspect, repair, maintain, reconstruct and relocate utilities, conduits, mains and sewers within the headquarters seat under conditions which shall not unreasonably disturb the carrying out of the functions of the IAEA.
- (d) Where gas, electricity, water or heat are supplied by appropriate Austrian authorities, or where the prices thereof are under their control, the IAEA shall be supplied at tariffs which shall not exceed the lowest comparable rates accorded to Austrian governmental administrations.

ARTICLE VI COMMUNICATIONS AND TRANSPORTATION

SECTION 13

The IAEA shall enjoy, as far as may be compatible with any international conventions, regulations and arrangements to which the Government is a party, for its official communications, treatment not less favourable than that accorded the Government to any other organization or government, including diplomatic missions of such other government, in the matter of priorities and rates for mails, cables, telegrams, radiograms, telephotos, television, telephone and other communications, and press rates for information to press and radio.

SECTION 14

The IAEA shall be entitled for its official purposes to use the railroad facilities of the Government at tariffs which shall not exceed the lowest comparable passenger fares and freight rates accorded to Austrian governmental administrations.

SECTION 15

- (a) All official communications directed to the IAEA, or to any of its officials at the headquarters seat, and all outward official communications of the IAEA, by whatever means or in whatever form transmitted, shall be immune from censorship and from any other form of interception or interference with their privacy. Such immunity shall extend, without limitation by reason of this enumeration, to publications, still and moving pictures, films and sound recordings.
- (b) The IAEA shall have the right to use codes and to dispatch and receive correspondence and other official communications by courier or in sealed bags, which shall have the same privileges and immunities as diplomatic couriers and bags.

ARTICLE VII JURIDICAL PERSONALITY, FREEDOM OF ASSEMBLY AND FREEDOM OF PUBLICATION

SECTION 16

The Government recognizes the juridical personality of the IAEA and, in particular, its capacity:

- (a) to contract;
- (b) to acquire and dispose of movable and immovable property; and
- (c) to institute legal proceedings.

SECTION 17

- (a) The Government recognizes the right of the IAEA to convene meetings within the headquarters seat or, with the concurrence of the Government or any appropriate Austrian authorities designated by it, elsewhere in the Republic of Austria.

- (b) To ensure full freedom of assembly and discussion, the Government shall take all proper steps to guarantee that no impediment is placed in the way of conducting the proceedings of any meeting convened by the IAEA.

SECTION 18

- (a) The Government recognizes the right of the IAEA freely to publish and broadcast within the Republic of Austria for purposes specified in its Statute.
- (b) It is, however, understood that the IAEA shall respect any laws of the Republic of Austria, or any international conventions to which the Republic of Austria is a party, relating to copyrights.

ARTICLE VIII PROPERTY OF THE IAEA AND FREEDOM FROM TAXATION

SECTION 19

The IAEA and its property, wherever located and by whomsoever held shall enjoy immunity from every form of legal process except in so far as in any particular case the IAEA shall have expressly waived its immunity. It is, however understood that no waiver of immunity shall extend to any measure of execution.

SECTION 20

The property of the IAEA, wherever located and by whomsoever held, shall enjoy immunity from search, requisition, confiscation, expropriation and any other form of interference, whether by executive, administrative, judicial or legislative action.

SECTION 21

The archives of the IAEA shall be inviolable wherever located.

SECTION 22

- (a) The IAEA and its property shall be exempt from all forms of taxation, provided, however, that such tax exemption shall not extend to the owner or lessor of any property rented by the IAEA.
- (b) In so far as the Government, for important administrative considerations, may be unable to grant the IAEA exemption from indirect taxes which constitute part of the cost of goods purchased by or services rendered to the IAEA, the Government shall reimburse the IAEA for such taxes by the payment, from time to time, of lump sums to be agreed upon by the IAEA and the Government. It is, however, understood that the IAEA will not claim reimbursement with respect to minor purchases. With respect to such taxes, the IAEA shall at all times enjoy at least the same exemptions and facilities as are granted to Austrian governmental administrations or to chiefs of diplomatic mission accredited to the Republic of Austria, whichever are the more favourable. It is further understood that the IAEA will not claim exemption from taxes which are in fact no more than charges for public utility services.
- (c) Notwithstanding sub-section (b), all transactions to which the IAEA is a party and all documents recording such transactions shall be exempt from all taxes, recording fees, and documentary taxes.

- (d) Articles imported or exported by the IAEA for official purposes shall be exempt from customs duties and other levies, prohibitions and restrictions on imports and exports. Such articles shall include, without limitation by reason of this enumeration, scientific and industrial plant, equipment and materials of any kind.
- (e) The IAEA shall be exempt from customs duties and other levies, prohibitions and restrictions on the importation of service automobiles, and spare parts thereof, required for its official purposes.
- (f) The Government shall, if requested, grant allotments of gasoline or other fuels and lubricating oils for each such automobile operated by the IAEA in such quantities as are required for its work and at any special rates which may be established for diplomatic missions in the Republic of Austria.
- (g) Articles imported in accordance with sub-sections (d) and (e) or obtained from the Government in accordance with sub-section (f) of this section, shall not be sold by the IAEA in the Republic of Austria except under conditions agreed upon with the Government.

ARTICLE IX FINANCIAL FACILITIES

SECTION 23

- (a) Without being subject to any financial controls, regulations or moratoria of any kind, the IAEA may freely:
 - (i) Purchase any currencies through authorized channels and hold and dispose of them;
 - (ii) Operate accounts in any currency;
 - (iii) Purchase through authorized channels, hold and dispose of funds, securities and gold;
 - (iv) Transfer its funds, securities, gold and currencies to or from the Republic of Austria, to or from any other country, or within the Republic of Austria; and
 - (v) Raise funds through the exercise of its borrowing power or in any other manner which it deems desirable, except that with respect to the raising of funds within the Republic of Austria, the IAEA shall obtain the concurrence of the Government.
- (b) The Government shall assist the IAEA to obtain the most favourable conditions as regards exchange rates, banking commissions in exchange transactions and the like.
- (c) The IAEA shall, in exercising its rights under this section, pay due regard to any representations made by the Government in so far as effect can be given to such representations without prejudicing the interests of the IAEA.

ARTICLE X

SOCIAL SECURITY AND PENSION FUNDS

SECTION 24

Any pension fund or provident fund established by or conducted under the authority of the IAEA shall enjoy legal capacity in the Republic of Austria if the IAEA so requests, and shall enjoy the same exemptions, immunities and privileges as the IAEA itself.

SECTION 25

The IAEA shall be exempt from all compulsory contributions to, and officials of the IAEA shall not be required by the Government to participate in, any social security scheme of the Republic of Austria.

SECTION 26

The Government shall make such provision as may be necessary to enable any official of the IAEA who is not afforded social security coverage by the IAEA to participate, if the IAEA so requests, in any social security scheme of the Republic of Austria. The IAEA shall, in so far as possible, arrange, under conditions to be agreed upon, for the participation in the Austrian social security system of those locally recruited members of its staff to whom it does not grant social security protection at least equivalent to that offered under Austrian law.

ARTICLE XI

TRANSIT AND RESIDENCE

SECTION 27

- (a) The Government shall take all necessary measures to facilitate the entry into and sojourn in Austrian territory and shall place no impediment in the way of the departure from Austrian territory of the persons listed below, shall ensure that no impediment is placed in the way of their transit to or from the headquarters seat and shall afford them any necessary protection in transit:
- (i) Governors, alternates for and advisers and experts attached to Governors, resident representatives and members of the resident delegations of Member States to the IAEA, their families and other members of their households, as well as clerical and other auxiliary personnel attached to the staffs of Governors or resident representatives and the spouses and dependent children of such personnel;
 - (ii) Representatives of Member States, their families and other members of their households as well as clerical and other auxiliary personnel attached to delegations of Member States and the spouses and dependent children of such personnel;
 - (iii) Officials of the IAEA, their families and other members of their households;
 - (iv) Officials of the United Nations or of any other organization brought into relationship with the IAEA pursuant to Article XVI. A. of its Statute, who have official business with the IAEA, and their spouses and dependent children;
 - (v) Representatives of other organizations with which the IAEA has established consultative relations. who have official business with the IAEA;

- (vi) Persons, other than officials of the IAEA, performing missions authorized by the IAEA or serving on committees or other subsidiary bodies of the IAEA, and their spouses;
 - (vii) Representatives of the press, radio, film, television or other information media, who have been accredited to the IAEA in its discretion after consultation with the Government;
 - (viii) Representatives of States which are not Members of the IAEA who are sent as observers, in accordance with rules adopted by the IAEA, to meetings convened by the IAEA; and
 - (ix) Representatives of other organizations or other persons invited by the IAEA to the headquarters seat on official business. The Director General shall communicate the names of such persons to the Government before their intended entry.
- (b) This section shall not apply in the case of general interruptions of transportation, which shall be dealt with as provided in sub-section 12 (b), and shall not impair the effectiveness of generally applicable laws relating to the operation of means of transportation.
- (c) Visas which may be required by persons referred to in this section shall be granted without charge and as promptly as possible.
- (d) No activity performed by any person referred to in this section in his official capacity with respect to the IAEA as indicated in sub-section (a) shall constitute a reason for preventing his entry into or his departure from the territory of the Republic of Austria or for requiring him to leave such territory.
- (e) No person referred to in sub-section (a) shall be required by the Government to leave the Republic of Austria save in the event of an abuse of the right of residence, in which case the following procedures shall apply:
- (i) No proceeding shall be instituted to require any such person to leave the Republic of Austria except with the prior approval of the Federal Minister for Foreign Affairs of the Republic of Austria;
 - (ii) In the case of a representative of a Member State, such approval shall be given only after consultation with the Government of the Member State concerned;
 - (iii) In the case of any other person mentioned in sub-section (a), such approval shall be given only after consultation with the Director General, and if expulsion proceedings are taken against any such person the Director General shall have the right to appear or to be represented in such proceedings on behalf of the person against whom such proceedings are instituted; and
 - (iv) Persons who are entitled to diplomatic privileges and immunities under sections 30, 31 or 39 shall not be required to leave the Republic of Austria otherwise than in accordance with the customary procedure applicable to members, having comparable rank, of the staffs of chiefs of diplomatic mission accredited to the Republic of Austria.
- (f) This section shall not prevent the requirement of reasonable evidence to establish that persons claiming the rights granted by this section come within the classes described in sub-section (a), or the reasonable application of quarantine and health regulations.

SECTION 28

The Director General and the appropriate Austrian authorities shall, at the request of either of them, consult as to methods of facilitating entrance into the Republic of Austria, and as to the use of available means of transportation, by persons coming from abroad who wish to visit the headquarters seat and who do not enjoy the privileges provided by section 27.

ARTICLE XII PERMANENT MISSIONS TO THE IAEA

SECTION 29

Permanent missions to the IAEA of Member States shall enjoy the same privileges and immunities as are accorded to diplomatic missions in the Republic of Austria.

ARTICLE XIII GOVERNORS AND RESIDENT REPRESENTATIVES TO THE IAEA

SECTION 30

Each Governor and each resident representative to the IAEA shall be entitled within the Republic of Austria to the same privileges and immunities as the Government accords to chiefs of diplomatic mission accredited to the Republic of Austria.

SECTION 31

Alternates for and advisers and experts attached to Governors and members of resident delegations of Member States to the IAEA shall be entitled to the same privileges and immunities as the Government accords to members, having comparable rank, of the staffs of chiefs of diplomatic mission accredited to the Republic of Austria.

SECTION 32

Clerical and other auxiliary personnel attached to the staff of a Governor or to a resident delegation of a Member State shall be accorded the same privileges and immunities as clerical and other auxiliary personnel of diplomatic missions.

ARTICLE XIV REPRESENTATIVES TO THE IAEA

SECTION 33

Representatives of Member States to any meetings convened by the IAEA shall, without prejudice to any other privileges and immunities which they may enjoy while exercising their functions and during their journeys to and from the headquarters seat, enjoy within and with respect to the Republic of Austria the following privileges and immunities:

- (a) Immunity in respect of themselves, their spouses and their dependent children from personal arrest or detention and from seizure of their personal and official baggage;

- (b) Immunity from legal process of any kind in respect of words spoken or written, and of all acts done by them, in the performance of their official functions, such immunity to continue notwithstanding that the persons concerned may no longer be engaged in the performance of such functions;
- (c) Inviolability of all papers, documents and other official material;
- (d) The right to use codes and to dispatch or receive papers, correspondence or other official material by courier or in sealed bags;
- (e) Exemption with respect to themselves, their spouses, their dependent relatives and other members of their households from immigration restrictions, alien registration and national service obligations;
- (f) The same protection and repatriation facilities with respect to themselves, their spouses, their dependent relatives and other members of their households as are accorded in time of international crisis to members, having comparable rank, of the staffs of chiefs of diplomatic mission accredited to the Republic of Austria;
- (g) The same privileges with respect to currency and exchange restrictions as the Government accords to representatives of foreign Governments on temporary official missions; and
- (h) The same immunities and facilities with respect to their personal and official baggage as the Government accords to members, having comparable rank, of the staffs of chiefs of diplomatic mission accredited to the Republic of Austria.

SECTION 34

Clerical and other auxiliary personnel attached to a delegation of a Member State shall be accorded the same privileges and immunities as clerical and other auxiliary personnel of diplomatic missions.

SECTION 35

Where the incidence of any form of taxation depends upon residence, periods during which the persons designated in section 33 may be present in the Republic of Austria for the discharge of their duties shall not be considered as periods of residence. In particular, such persons shall be exempt from taxation on their salaries and emoluments during such periods of duty and shall be exempt from all tourist taxes.

SECTION 36

The privileges and immunities accorded by this Article and Article XIII are conferred, not for the personal benefit of the individuals themselves, but in order to safeguard the independent exercise of their functions in connexion with the IAEA. Consequently, it is incumbent upon a Member State to waive the immunity of any of its representatives in any case where, in the judgment of the Member State, the immunity would impede the course of justice and where it can be waived without prejudice to the purposes for which it was accorded.

SECTION 37

- (a) The IAEA shall communicate to the Government a list of persons within the scope of this Article and Article XIII and shall revise such list from time to time as may be necessary.

- (b) The Government shall furnish persons within the scope of Article XIII and such other persons as may be appropriate with an identity card bearing the photograph of the holder. This card shall serve to identify the holder in relation to all Austrian authorities.

ARTICLE XV OFFICIALS OF THE IAEA

SECTION 38

Officials of the IAEA shall enjoy within and with respect to the Republic of Austria the following privileges and immunities:

- (a) Immunity from legal process of any kind in respect of words spoken or written, and of acts performed by them, in their official capacity; such immunity to continue notwithstanding that the persons concerned may have ceased to be officials of the IAEA;
- (b) Immunity from seizure of their personal and official baggage;
- (c) Immunity from inspection of official baggage and, if the official comes within the scope of section 39, immunity from inspection of personal baggage;
- (d) Exemption from taxation in respect of the salaries, emoluments and indemnities paid to them by the IAEA for services past or present or in connexion with their service with the IAEA;
- (e) Exemption from any form of taxation on income derived by them from sources outside the Republic of Austria;
- (f) Exemption, with respect to themselves, their spouses, their dependent relatives and other members of their households from immigration restrictions and alien registration;
- (g) Exemption from national service obligations, provided that, with respect to Austrian citizens, such exemption shall be confined to officials whose names have, by reason of their duties, been placed upon a list compiled by the Director General and approved by the Government; provided further that should officials, other than those listed, who are Austrian citizens be called up for national service, the Government shall, upon request of the Director General, grant such temporary deferments in the call-up of such officials as may be necessary to avoid interruption of the essential work of the IAEA;
- (h) Freedom to maintain within the Republic of Austria or elsewhere foreign securities, foreign currency accounts, and other movable and immovable property; and at the termination of their IAEA employment, the right to take out of the Republic of Austria without prohibition or restriction their funds in the same currency and up to the same amounts as they had brought into the Republic of Austria through authorized channels;
- (i) The same protection and repatriation facilities with respect to themselves, their spouses, their dependent relatives and other members of their households as are accorded in time of international crisis to members, having comparable rank, of the staffs of chiefs of diplomatic mission accredited to the Republic of Austria; and

- (j) The right to import for personal use, free of duty and other levies, prohibitions and restrictions on imports:
 - (i) Their furniture and effects in one or more separate shipments, and thereafter to import necessary additions to the same;
 - (ii) One automobile every four years; and
 - (iii) Subject to a supplemental agreement to be concluded between the IAEA and the Government, limited quantities of certain articles for personal use or consumption and not for gift or sale.

SECTION 39

In addition to the privileges and immunities specified in section 38:

- (a) The Director shall be accorded the privileges and immunities, exemptions and facilities accorded to Ambassadors who are heads of mission;
- (b) A Deputy Director General or a senior official of the IAEA, when acting on behalf of the Director General during his absence from duty, shall be accorded the same privileges and immunities, exemptions and facilities as are accorded to the Director General; and
- (c) The Deputy Directors General and other officials having the professional grade of P-5 and above, and such additional categories of officials as may be designated, in agreement with the Government, by the Director General, in consultation with the Board of Governors, on the grounds of the responsibilities of their positions in the IAEA, shall be accorded the same privileges and immunities, exemptions and facilities as the Government accords to members, having comparable rank, of the staffs of chiefs of diplomatic mission accredited to the Republic of Austria.

SECTION 40

- (a) The privileges and immunities accorded by this Article are conferred in the interests of the IAEA and not for the personal benefit of the individuals themselves. The immunities of officials of the IAEA shall be waived by the IAEA in cases where the immunity impedes the course of justice and where it can be waived without prejudice to the interest of the IAEA. In any case where these privileges and immunities arise, the official involved shall immediately report to the Director General who shall decide, in consultation where appropriate with the Board of Governors, whether they shall be waived. In the case of the Director General, the Board of Governors shall have the right to waive immunities.
- (b) The IAEA and its officials shall co-operate at all times with the appropriate Austrian authorities to facilitate the proper execution of the laws of the Republic of Austria and to prevent the occurrence of any abuses in connexion with the privileges and immunities accorded by this Article.

SECTION 41

- (a) The IAEA shall communicate to the Government a list of all officials of the IAEA and shall revise such list from time to time as may be necessary.
- (b) The Government shall furnish persons within the scope of this Article with an identity card bearing the photograph of the holder. This card shall serve to identify the holder in relation to all Austrian authorities.

ARTICLE XVI

EXPERTS, MEMBERS OF IAEA MISSIONS AND COMMITTEES AND REPRESENTATIVES OF ORGANIZATIONS

SECTION 42

Experts, other than those attached to Governors coming within the scope of Article XIII or other than officials of the IAEA coming within the scope of Article XV, performing missions authorized by, serving on committees or other subsidiary bodies of, or consulting at its request in any way with, the IAEA and representatives of organizations with which the IAEA has established relationship pursuant to Article XVI. A. of its Statute, or representatives of organizations invited by the Board of Governors or the General Conference to the headquarters seat on official business, shall enjoy, within and with respect to the Republic of Austria, the following privileges and immunities so far as may be necessary for the effective exercise of their functions and during their journeys in connexion with service on such missions, committees or other subsidiary bodies, and during attendance at the headquarters seat and at such meetings:

- (a) Immunity in respect of themselves, their spouses and their dependent children from personal arrest or detention and from seizure of their personal and official baggage;
- (b) Immunity from legal process of any kind with respect to words spoken or written, and all acts done by them, in the performance of their official functions, such immunity to continue notwithstanding that the persons concerned may no longer be employed on missions for, serving on committees of, or acting as consultants for, the IAEA, or may no longer be present at the headquarters seat or attending meetings convened by the IAEA;
- (c) Inviolability of all papers, documents and other official material;
- (d) The right, for the purpose of all communications with the IAEA, to use codes and to dispatch or receive papers, correspondence or other official material by courier or in sealed bags;
- (e) Exemption with respect to themselves and their spouses from immigration restrictions, alien registration and national service obligations;
- (f) The same protection and repatriation facilities with respect to themselves, their spouses, their dependent relatives and other members of their households as are accorded in time of international crisis to members having comparable rank, of the staffs of chiefs of diplomatic mission accredited to the Republic of Austria;
- (g) The same privileges with respect to currency and exchange restrictions as are accorded to representatives of foreign Governments on temporary official missions; and
- (h) The same immunities and facilities with respect to their personal and official baggage as the Government accords to members, having comparable rank, of the staffs of chiefs of diplomatic mission accredited to the Republic of Austria.

SECTION 43

- (a) Where the incidence of any form of taxation depends upon residence, periods during which the persons designated in section 42 may be present in the Republic of Austria for the discharge of their duties shall not be considered as periods of residence. In particular, such persons shall be exempt from taxation on their salaries and emoluments received from the IAEA during such periods of duty and shall be exempt from all tourist taxes.
- (b) The privileges and immunities accorded by this Article are conferred in the interest of the IAEA and not for the personal benefit of the individuals themselves. The IAEA shall waive the immunity granted under this Article to any such individuals in any case where, in the opinion of the IAEA, the immunity would impede the course of justice and could be waived without prejudice to the interest of the IAEA.

SECTION 44

- (a) The IAEA shall communicate to the Government a list of persons within the scope of this Article and shall revise such list from time to time as may be necessary.
- (b) The Government shall furnish persons within the scope of this Article with an identity card bearing the photograph of the holder. This card shall serve to identify the holder in relation to all Austrian authorities.

ARTICLE XVII LAISSEZ-PASSER

SECTION 45

The Government shall recognize and accept as a valid travel document the United Nations laissez-passer issued to officials of the IAEA.

ARTICLE XVIII GENERAL PROVISIONS

SECTION 46

The Republic of Austria shall not incur by reason of the location of the headquarters seat of the IAEA within its territory any international responsibility for acts or omissions of the IAEA or of its officials acting or abstaining from acting within the scope of their functions, other than the international responsibility which the Republic of Austria would incur as a Member of the IAEA.

SECTION 47

- (a) If the Government considers it necessary to take, without prejudice to the independent and proper working of the IAEA, precautions for the security of the Republic of Austria affecting the operation of any Article of this Agreement, it shall approach the IAEA as rapidly as circumstances allow in order to determine by mutual agreement the measures necessary to protect the interest of the IAEA.
- (b) The IAEA shall co-operate with the Government to avoid any prejudice to the security of the Republic of Austria resulting from its activities.

SECTION 48

- (a) The Director General shall take every precaution to ensure that no abuse of a privilege or immunity conferred by this Agreement shall occur, and for this purpose shall, with the approval of the Board of Governors, establish such rules and regulations as may be deemed necessary and expedient, for officials of the IAEA and for such other persons as may be appropriate.
- (b) Should the Government consider that an abuse of a privilege or immunity conferred by this Agreement has occurred, the Director General shall, upon request, consult with the appropriate Austrian authorities to determine whether any such abuse has occurred. If such consultations fail to achieve a result satisfactory to the Director General and to the Government, the matter shall be determined in accordance with the procedure set out in section 51.
- (c) All persons of Austrian citizenship and all stateless persons resident in Austria shall enjoy the privileges and immunities, exemptions and facilities accorded by this Agreement to the extent recognized by international law as accepted by the Government, provided, however, that sections 25 and 26 and sub-sections 38 (d) and 38 (g) shall, in any event, apply to officials of the IAEA who are Austrian citizens or who are stateless persons resident in Austria.
- (d) This Agreement shall apply irrespective of whether the Government maintains or does not maintain diplomatic relations with the State concerned.

ARTICLE XIX

SUPPLEMENTAL AGREEMENTS AND SETTLEMENT OF DISPUTES

SECTION 49

- (a) The IAEA and the Government may enter into such supplemental agreements as may be necessary.
- (b) Upon the entry into force with respect to the Republic of Austria of any convention conferring privileges and immunities on the IAEA, such convention and this Agreement shall, if and to the extent that they deal with the same subject matter, be treated, wherever possible, as complementary; but in case of conflict, the provisions of this Agreement shall prevail.
- (c) If and to the extent that the Government shall enter into any agreement with any intergovernmental organization containing terms or conditions more favourable to that organization than similar terms or conditions of this Agreement, the Government shall extend such more favourable terms or conditions to the IAEA by means of a supplemental agreement.

SECTION 50

The IAEA shall make provision for appropriate methods of settlement of:

- (a) Disputes arising out of contracts and disputes of a private law character to which the IAEA is a party; and
- (b) Disputes involving an official of the IAEA who, by reason of his official position, enjoys immunity, if such immunity has not been waived by the IAEA.

SECTION 51

Any dispute between the IAEA and the Government concerning the interpretation or application of this Agreement or of any supplemental agreement, or any question affecting the headquarters seat or the relationship between the IAEA and the Government, which is not settled by negotiation or other agreed mode of settlement, shall be referred for final decision to a tribunal of three arbitrators: one to be chosen by the Director General, one to be chosen by the Federal Minister for Foreign Affairs of the Republic of Austria, and the third, who shall be chairman of the tribunal, to be chosen by the first two arbitrators. Should the first two arbitrators fail to agree upon the third within six months following the appointment of the first two arbitrators, such third arbitrator shall be chosen by the President of the International Court of Justice at the request of the IAEA or the Government.

ARTICLE XX OPERATION OF THIS AGREEMENT

SECTION 52

- (a) This Agreement shall enter into force upon an exchange of notes between the Director General duly authorized thereto and the duly authorized representative of the Federal President of the Republic of Austria.
- (b) Consultations with respect to modification of this Agreement shall be entered into at the request of the IAEA or the Government. Any such modification shall be by mutual consent,
- (c) This Agreement shall be construed in the light of its primary purpose of enabling the IAEA at its headquarters in the Republic of Austria fully and efficiently to discharge its responsibilities and fulfil its purposes.
- (d) Whenever this Agreement imposes obligations on the appropriate Austrian authorities, the ultimate responsibility for the fulfilment of such obligations shall rest with the Government.
- (e) This Agreement shall cease to be in force:
 - (i) By mutual consent of the IAEA and the Government; and
 - (ii) If the permanent headquarters of the IAEA is removed from the territory of the Republic of Austria, except for such provisions as may be applicable in connexion with the orderly termination of the operations of the IAEA at its permanent headquarters in the Republic of Austria and the disposal of its property therein.

IN WITNESS WHEREOF the respective representatives, duly authorized thereto, have signed this Agreement.

DONE at Vienna, this 11 day of December one thousand nine hundred and fifty-seven, in two copies in the Chinese, English, French, Russian, Spanish and German languages, each text being equally authentic.

For the International Atomic Energy Agency: (signed) Sterling Cole

For the Republic of Austria: (signed) Leopold Figl