

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 1998 Nr. 228

A. TITEL

*Overeenkomst inzake de voorrechten en immuniteiten van de
Internationale Organisatie voor Atoomenergie;
Wenen, 1 juli 1959*

B. TEKST

De Engelse tekst van de Overeenkomst is geplaatst in *Trb.* 1965, 49.

D. PARLEMENT

Zie *Trb.* 1965, 49.

E. BEKRACHTIGING

Zie *Trb.* 1965, 49 en *Trb.* 1971, 57¹⁾.

Behalve de aldaar genoemde hebben nog de volgende Staten in overeenstemming met artikel XII, sectie 38, van de Overeenkomst een akte van aanvaarding bij de Directeur-Generaal van de Internationale Organisatie voor Atoomenergie te Wenen nedergelegd:

Jamaica	5 september 1967
Indonesië ²⁾	4 juni 1971
Ierland	29 februari 1972
Luxemburg ³⁾	24 maart 1972
Singapore ⁴⁾	19 juli 1973
Iran	21 mei 1974
de Duitse Democratische Republiek ⁵⁾	30 oktober 1974
Mauritius	7 april 1975
Mongolië ⁶⁾	12 januari 1976
Marokko ⁷⁾	30 maart 1977
Nicaragua	17 oktober 1977
Turkije ⁸⁾	26 juni 1978
Cuba ⁹⁾	24 augustus 1982
Jordanië ¹⁰⁾	27 oktober 1982

Colombia	1 juli 1983
Cyprus	27 juli 1983
Mexico ¹⁾	19 oktober 1983
Spanje	21 mei 1984
China ²⁾	16 juli 1984
Italië ³⁾	20 juni 1985
de Staat Vaticaanstad	21 januari 1986
Australië	9 mei 1986
Kameroen	22 september 1988
Syrië	18 december 1989
Estland	12 februari 1992

¹⁾ De Regering van Bulgarije heeft op 11 mei 1994 het bij de bekrachtiging van de Overeenkomst op 17 juni 1968 gemaakte voorbehoud (zie *Trb.* 1971, 57, blz. 2) ingetrokken.

²⁾ Onder de volgende voorbehouden;

“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.”

³⁾ Onder het volgende voorbehoud:

“In accordance with the provisions of Article XII, Section 38 of the Agreement, Luxembourg excludes from application the last sentence of Article VI, Section 20 thereof.” (*vertaling*)

⁴⁾ Onder het volgende voorbehoud:

“..... officials of the Agency, who are Singapore citizens shall not enjoy exemption from taxation on salaries and emoluments paid to them by the Agency.”

⁵⁾ Onder het volgende voorbehoud:

“The German Democratic Republic does not consider itself bound by the provisions of Section 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.”

6) Onder het volgende voorbehoud:

“The Mongolian People’s Republic does not consider itself bound by the provisions of Section 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.”

De Regering van Mongolië heeft op 18 juni 1990 bovengenoemd voorbehoud ingetrokken.

7) Onder de volgende voorbehouden:

– 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.” (*vertaling*)

8) Onder het volgende voorbehoud:

“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.

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.”

9) Onder het volgende voorbehoud:

“The Republic of Cuba does not consider itself bound by the provisions of Section 26 and 34 of Article 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.”

10) Onder het volgende voorbehoud:

“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.”

11) Onder de volgende voorbehouden en een noot met betrekking tot het onder 3. gemaakte voorbehoud:

Voorbehouden

“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 con-

ferred, 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.”

Noot bij het derde voorbehoud

“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.”

¹²⁾ Onder de volgende voorbehouden en een noot daarbij:

Voorbehouden

“..... 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 differences”

Noot bij deze voorbehouden:

“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.”

¹³⁾ Onder de volgende voorbehouden:

“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 purpose 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.”

F. TOETREDING

Verklaring van voortgezette gebondenheid

De volgende Staten hebben verklaard zich gebonden te achten aan de Overeenkomst:

de Russische Federatie	26 december 1991
de Federale Republiek van Joegoslavië	28 april 1992
(Servië en Montenegro)	
Slovenië ¹⁾	7 juli 1992
Kroatië ²⁾	29 september 1992

Slowakije	27 september 1993
Tsjechië ³⁾	27 september 1993

¹⁾ De gebondenverklaring van Slovenië heeft effect gekregen op 21 september 1992, datum waarop deze Staat lid is geworden van de Organisatie.

²⁾ De gebondenverklaring van Kroatië heeft effect gekregen op 12 februari 1993, datum waarop deze Staat lid is geworden van de Organisatie.

³⁾ “..... does not consider itself bound by the provisions of Section 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 [Czech 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.” (*vertaling*)

Op 1 augustus 1996 heeft Tsjechië de beide voorbehouden ingetrokken.

G. INWERKINGTREDING

Zie *Trb.* 1965, 49.

Vanaf 1 januari 1986 geldt de Overeenkomst, die voordien wat betreft het Koninkrijk der Nederlanden voor Nederland en de Nederlandse Antillen gold, voor Nederland, de Nederlandse Antillen en Aruba.

H. TOEPASSELIJKVERKLARING

Zie *Trb.* 1965, 49¹⁾.

¹⁾ De Regering van de Duitse Democratische Republiek heeft bij de bekrachtiging van de Overeenkomst op 30 oktober 1974 de volgende verklaring afgelegd:

“As regards the application of the Agreement to West Berlin, the German Democratic Republic maintains, in accordance with the Quadripartite Agreement of 3 September 1971 between the Governments of the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, the United States of America and the French Republic, that West Berlin is not a part of the Federal Republic of Germany and may not be governed by it. The declaration of the Federal Republic of Germany to the effect that the Agreement on the Privileges and Immunities of the International Atomic Energy Agency should apply also to West Berlin conflicts with the Quadripartite Agreement, in which it is established that treaties concerning questions of security and status may not be extended to West Berlin by the Federal Republic of Germany.”

De Regering van *het Verenigd Koninkrijk van Groot-Brittannië en Noord-Ierland* heeft, mede namens de Regering van *Frankrijk en de Verenigde Staten*

van Amerika, op 5 augustus 1975 de volgende mededeling gedaan met betrekking tot de hierboven afelegde verklaring:

“The communication noted above contains a declaration which refers to the Quadripartite Agreement of the 3rd of September 1971. This Agreement was concluded in Berlin between the Governments of the French Republic, the Union of the Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and of the United States of America. The Government making the declaration is not a Party to the Quadripartite Agreement and is therefore not competent to make authoritative comments on its provisions. The Governments of the three Powers wish to bring the following to the attention of the State parties to the Agreement on the Privileges and Immunities of the International Atomic Energy Agency. When authorising the extension of this Agreement to the Western Sectors of Berlin those three Powers acting in exercise of their supreme authority ensured in accordance with established procedures that this Agreement would be applied in the Western Sectors in Berlin in such a way as not to affect matters of security and status.

Accordingly, the application of this convention to the Western Sectors of Berlin continues in full force and effect.

The Governments of the three Powers do not consider it necessary to respond to any further communications of a similar nature by States which are not signatories to the Quadripartite Agreement. This should not be taken to imply any change in the position of the Governments of the three Powers on this matter.

The Permanent Mission of the United Kingdom of Great Britain and Northern Ireland would be grateful if the foregoing could be communicated to all members of the International Atomic Energy Agency who received the Director General's Circular Note containing the GDR declaration under reference.”

De Regering van de Bondsrepubliek Duitsland heeft op 15 oktober 1975 de volgende mededeling gedaan:

“The Permanent Mission of the Federal Republic of Germany to the International Organizations in Vienna presents its compliments to the Director General of the International General's circular note No. L/230-A of 3 December 1974 regarding the deposit by the German Democratic Republic of an instrument of acceptance to the Agreement on the Privileges and Immunities of the International Atomic Energy Agency.

With regard to this note the Permanent Mission has the honour to communicate the following:

By the Note Verbale of 5 August 1975 from the Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the International Atomic Energy Agency, disseminated by the Director General's circular note L/230-A of 17 September 1975, the Governments of the United Kingdom, France and the United States of America answered the assertions made in the declaration contained in the communication referred to above. The Government of the Federal Republic of Germany, on the basis of the legal situation set out in the note of the Three Powers, wishes to confirm that the application in Berlin (West) of the above-mentioned Agreement, extended by it under the established procedures, continues in full force and effect.

The Government of the Federal Republic of Germany wishes to point out that the absence of a response to any further communications of a similar nature should not be taken to imply any change of its position on this matter.

The Permanent Mission of the Federal Republic of Germany would be grateful if the foregoing could be communicated to all members of the International Atomic Energy Agency who received the Director General's circular note NO. L/230-A containing the GDR declaration under reference.”

J. GEGEVENS

Zie *Trb.* 1965, 49 en *Trb.* 1971, 57.

Voor het op 26 juni 1945 te San Francisco tot stand gekomen Handvest der Verenigde Naties zie ook, laatstelijk, *Trb.* 1998, 145.

Voor het op 26 juni 1945 te San Francisco tot stand gekomen Statuut van het Internationale Gerechtshof zie ook, laatstelijk, *Trb.* 1997, 106.

Voor het op 13 februari 1946 te Londen tot stand gekomen Verdrag nopens de voorrechten en immuniteiten van de Verenigde Naties zie ook, laatstelijk, *Trb.* 1994, 210.

Voor het op 21 november 1947 te New York tot stand gekomen Verdrag nopens de voorrechten en immuniteiten van de gespecialiseerde organisaies zie ook, laatstelijk, *Trb.* 1994, 211.

Voor het op 26 oktober 1956 te New York tot stand gekomen Statuut van de Internationale Organisatie voor Atoomenergie zie ook, laatstelijk, *Trb.* 1990, 51.

Uitgegeven de *drieëntwintigste* september 1998.

De Minister van Buitenlandse Zaken a.i.,

EVELINE HERFKENS