

Ο περί της Συμφωνίας περί των Προνομίων και Άσυλιών του Διεθνούς Οργανισμού Ατομικής Ένεργείας (Κυρωτικός) Νόμος του 1978 εκδίδεται διά δημοσιεύσεως εις την επίσημον εφημερίδα της Κυπριακής Δημοκρατίας συμφώνως τῷ άρθρῳ 52 τοῦ Συντάγματος.

Ἄριθμός 31 τοῦ 1978

ΝΟΜΟΣ ΚΥΡΩΝ ΤΗΝ ΣΥΜΦΩΝΙΑΝ ΠΕΡΙ ΤΩΝ ΠΡΟΝΟΜΙΩΝ
ΚΑΙ ΑΣΥΛΙΩΝ ΤΟΥ ΔΙΕΘΝΟΥΣ ΟΡΓΑΝΙΣΜΟΥ ΑΤΟΜΙΚΗΣ
ΕΝΕΡΓΕΙΑΣ

Ἡ Βουλὴ τῶν Ἀντιπροσώπων ψηφίζει ὡς ἀκολούθως :

1. Ὁ παρῶν Νόμος θὰ ἀναφέρηται ὡς ὁ περί τῆς Συμφωνίας περί τῶν Προνομίων καὶ Ἄσυλιῶν τοῦ Διεθνούς Οργανισμοῦ Ἀτομικῆς Ἐνεργείας (Κυρωτικός) Νόμος τοῦ 1978. Συνοπτικὸς
τίτλος.

2. Ἐν τῷ παρόντι Νόμῳ, ἐκτὸς ἐὰν ἐκ τοῦ κειμένου προκύπη διάφορος ἔννοια— Ἑρμηνεία.

«Συμφωνία» σημαίνει τὴν Συμφωνίαν περί τῶν Προνομίων καὶ Ἄσυλιῶν τοῦ Διεθνούς Οργανισμοῦ Ἀτομικῆς Ἐνεργείας, τῆς ὁποίας τὸ κείμενον ἐν τῷ Ἀγγλικῷ πρωτοτύπῳ ἐκτίθεται εἰς τὸ Πρῶτον Μέρος τοῦ Πίνακος καὶ ἐν μεταφράσει εἰς τὴν Ἑλληνικὴν εἰς τὸ Δεύτερον Μέρος τοῦ Πίνακος : Πίναξ.

Νοεῖται ὅτι ἐν περιπτώσει ἀντιθέσεως μεταξὺ τῶν δύο κειμένων ὑπερισχέει τὸ εἰς τὸ Πρῶτον Μέρος τοῦ Πίνακος ἐκτιθέμενον κείμενον.

3. Ἡ Συμφωνία, τῆς ὁποίας ἡ ὑπὸ τῆς Κυπριακῆς Δημοκρατίας ἀποδοχὴ ἀπεφασίσθη διὰ τῆς ὑπ' ἀριθμὸν 10.773 καὶ ἡμερομηνίαν 16ην Σεπτεμβρίου, 1971 Ἀποφάσεως τοῦ Ὑπουργικοῦ Συμβουλίου, διὰ τοῦ παρόντος Νόμου κυροῦται. Κύρωσις
Συμφωνίας.

Π Ι Ν Α Ξ

(Ἄρθρον 2)

ΠΡΩΤΟΝ ΜΕΡΟΣ

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

WHEREAS Article XV.C of the Statute of the International Atomic Energy Agency provides that the legal capacity, privileges and immunities referred to in that Article shall be defined in a separate agreement or agreements between the Agency, represented for this purpose by the Director-General acting under the instructions of the Board of Governors, and the Members ;

WHEREAS an Agreement Governing the Relationship between the Agency and the United Nations has been adopted in accordance with Article XVI of the Statute ; and

WHEREAS the General Assembly of the United Nations, contemplating the unification as far as possible of the privileges and immunities enjoyed by the United Nations and by the various agencies brought into relationship with the United Nations, has adopted the Convention on the Privileges and Immunities of the Specialized Agencies, and a number of Members of the United Nations have acceded thereto ;

THE BOARD OF GOVERNORS

1. HAS APPROVED, without committing the Governments represented on the Board, the text below, which in general follows the Convention on the Privileges and Immunities of the Specialized Agencies, and

2. INVITES the Members of the Agency to consider and, if they see fit, to accept this Agreement.

ARTICLE I

Definitions

Section 1. In this Agreement :

- (i) The expression " the Agency " means the International Atomic Energy Agency ;
- (ii) For the purposes of Article III, the words " property and assets " shall also include property and funds in the custody of the Agency or administered by the Agency in furtherance of its statutory functions ;
- (iii) For the purposes of Articles V and VIII, the expression " representatives of Members " shall be deemed to include all Governors, representatives, alternates, advisers, technical experts and secretaries of delegations ;
- (iv) In sections 12, 13, 14 and 27, the expression " meetings convened by the Agency " means meetings :
 - (1) of its General Conference and of its Board of Governors ;
 - (2) of any international conference, symposium, seminar or panel convened by it ; and
 - (3) of any committee of any of these bodies ;
- (v) For the purposes of Articles VI and IX, the expression " officials of the Agency " means the Director General and all members of the staff of the Agency except those who are locally recruited and assigned to hourly rates.

ARTICLE II

Juridical Personality

Section 2. The Agency shall possess juridical personality. It shall have the capacity (a) to contract, (b) to acquire and dispose of immovable and movable property and (c) to institute legal proceedings.

ARTICLE III

Property, Funds and Assets

Section 3. The Agency, its property and assets, wherever located and by whomsoever held, shall enjoy immunity from every form of legal process except in so far as in any particular case it has expressly waived its immunity. It is, however, understood that no waiver of immunity shall extend to any measure of execution.

Section 4. The premises of the Agency shall be inviolable. The property and assets of the Agency, wherever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation and any other form of interference, whether by executive, administrative, judicial or legislative action.

Section 5. The archives of the Agency, and in general all documents belonging to it or held by it, shall be inviolable, wherever located.

Section 6. Without being restricted by financial controls, regulations or moratoria of any kind :

- (a) The Agency may hold funds, gold or currency of any kind and operate accounts in any currency ;
- (b) The Agency may freely transfer its funds, gold or currency from one country to another or within any country and convert any currency held by it into any other currency .

Section 7. The Agency shall, in exercising its rights under section 6, pay due regard to any representations made by the Government of any State party to this Agreement in so far as it is considered that effect can be given to such representations without detriment to the interests of the Agency.

Section 8. The Agency, its assets, income and other property shall be :

- (a) Exempt from all direct taxes ; it is understood however, that the Agency will not claim exemption from taxes which are, in fact, no more than charges for public utility services ;
- (b) Exempt from customs duties and prohibitions and restrictions on imports and exports in respect of articles imported or exported by the Agency for its official use ; it is understood, however, that articles imported under such exemption will not be sold in the country into which they were imported except under conditions agreed to with the Government of that country ;
- (c) Exempt from duties and prohibitions and restrictions on imports and exports in respect of its publications.

Section 9. While the Agency will not, as a general rule, claim exemption from excise duties and from taxes on the sale of movable and immovable property which form part of the price to be paid, nevertheless when the Agency is making important purchases for official use of property on which such duties and taxes have been charged or are chargeable, States parties to this Agreement will, whenever possible, make appropriate administrative arrangements for the remission or return of the amount of duty or tax.

ARTICLE IV

Facilities in Respect of Communications

Section 10. The Agency shall enjoy, in the territory of each State party to this Agreement and as far as may be compatible with any international conventions, regulations and arrangements to which that State is a party, for its official communications, treatment not less favourable than that accorded by the Government of such a State to any other Government, including the latter's diplomatic mission, in the matter of priorities, rates and taxes for posts and telecommunications, and press rates for information to the press and radio.

Section 11. No censorship shall be applied to the official correspondence and other official communications of the Agency.

The Agency 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 immunities and privileges as diplomatic couriers and bags.

Nothing in this section shall be construed to preclude the adoption of appropriate security precautions to be determined by agreement between a State party to this Agreement and the Agency.

ARTICLE V

Representatives of Members

Section 12. Representatives of Members at meetings convened by the Agency shall, while exercising their functions and during their journeys to and from the place of meeting, enjoy the following privileges and immunities :

- (a) Immunity from personal arrest or detention and from seizure of their personal baggage, and in respect of words spoken or written and all acts done by them in their official capacity, immunity from legal process of every kind ;
- (b) Inviolability for all papers and documents ;
- (c) The right to use codes and to receive papers or correspondence by courier or in sealed bags ;
- (d) Exemption in respect of themselves and their spouses from immigration restrictions, aliens' registration or national service obligations in the State which they are visiting or through which they are passing in the exercise of their functions ;
- (e) The same facilities in respect of currency or exchange restrictions as are accorded to representatives of foreign Governments on temporary official missions ;
- (f) The same immunities and facilities in respect of their personal baggage as are accorded to members of comparable rank of diplomatic missions.

Section 13. In order to secure for the representatives of Members of the Agency at meetings convened by the Agency complete freedom of speech and complete independence in the discharge of their duties, the immunity from legal process in respect of words spoken or written and all acts done by them in discharging their duties shall continue to be accorded, notwithstanding that the persons concerned are no longer engaged in the discharge of such duties.

Section 14. Where the incidence of any form of taxation depends upon residence, periods during which the representatives of Members of the Agency at meetings convened by the Agency are present in a Member State for the discharge of their duties shall not be considered as periods of residence.

Section 15. Privileges and immunities are accorded to the representatives of members, not for the personal benefit of the individuals themselves, but in order to safeguard the independent exercise of their functions in connexion with the Agency. Consequently, a Member not only has the right but is under a duty to waive the immunity of its representatives in any case where, in the opinion of the Member, the immunity would impede the course of justice, and where it can be waived without prejudice to the purpose of which the immunity is accorded.

Section 16. The provisions of sections 12, 13 and 14 are not applicable in relation to the authorities of a State of which the person is a national or of which he is or has been a representative.

ARTICLE VI

Officials

Section 17. The Agency shall from time to time make known to the Governments of all States parties to this Agreement the names of the officials to whom the provisions of this Article and of Article IX apply.

Section 18.

(a) Officials of the Agency shall :

- (i) Be immune from legal process in respect of words spoken or written and all acts performed by them in their official capacity ;
- (ii) Enjoy the same exemptions from taxation in respect of the salaries and emoluments paid to them by the Agency and on the same conditions as are enjoyed by officials of the United Nations ;
- (iii) Be immune, together with their spouses and relatives dependent on them from immigration restrictions and alien registration ;
- (iv) Be accorded the same privileges in respect of exchange facilities as are accorded to officials of comparable rank of diplomatic missions ;
- (v) Be given, together with their spouses and relatives dependent on them, the same repatriation facilities in time of international crises as officials of comparable rank of diplomatic missions ;
- (vi) Have the right to import free of duty their furniture and effects at the time of first taking up their post in the country in question.

(b) Officials of the Agency shall, while exercising the functions of an inspector under Article XII of the Statute of the Agency or those of a project examiner under Article XI thereof, and while travelling in their official capacity en route to and from the performance of these functions, enjoy all the additional privileges and immunities set forth in Article VII of this Agreement so far as is necessary for the effective exercise of such functions.

Section 19. The officials of the Agency shall be exempt from national service obligations, provided that, in relation to the States of which they are nationals, such exemption shall be confined to officials of the Agency whose names have, by reason of their duties, been placed upon a list compiled by the Director General of the Agency and approved by the State concerned.

Should other officials of the Agency be called up for national service, the State concerned shall, at the request of the Agency, grant such temporary deferments in the call-up of such officials as may be necessary to avoid interruption in the continuation of essential work.

Section 20. In addition to the privileges and immunities specified in sections 18 and 19 above, the Director General of the Agency, including any official acting on his behalf during his absence from duty, shall be accorded on behalf of himself, his spouse and minor children, the privileges and immunities, exemptions and facilities accorded to diplomatic envoys on behalf of themselves, their spouses and minor children, in accordance with international law. The same privileges and immunities, exemptions and facilities shall also be accorded to a Deputy Director General or official of equivalent rank of the Agency.