

# **MEMORANDUM D21-2-2**

Ottawa, January 1, 1991

## **SUBJECT**

### **REVENUE EXEMPTIONS AND PRIVILEGES GRANTED TO THE INTERNATIONAL ATOMIC ENERGY AGENCY**

This Memorandum outlines and explains the privileges and immunities granted to the International Atomic Energy Agency (I.A.E.A.) pursuant to the Privileges and Immunities (International Organizations) Act.

#### **Regulations**

### **ORDER RESPECTING THE PRIVILEGES AND IMMUNITIES IN CANADA OF THE INTERNATIONAL ATOMIC ENERGY AGENCY**

#### **Short Title**

1. This Order may be cited as the I.A.E.A. Privileges and Immunities Order.

#### **Interpretation**

2. In this Order,  
"Convention" means the Convention on the Privileges and Immunities of the United Nations;  
"Organization" means the International Atomic Energy Agency.

#### **Privileges and Immunities**

3. (1) The Organization shall have in Canada the legal capacities of a body corporate and shall, to such extent as may be required for the performance of its functions, have the privileges and immunities set forth in Articles II and III of the Convention.  
  
(2) Representatives of states and governments that are Members of the Organization shall have in Canada, to such extent as may be required for the performance of their functions, the privileges and immunities set forth in Article IV of the Convention for representatives of Members.  
  
(3) Officials of the Organization shall have in Canada, to such extent as may be required for the performance of their functions, the privileges and immunities set forth in Article V of the Convention for officials of the United Nations.

(4) Experts performing missions for the Organization shall have in Canada, to such extent as may be required for the performance of their functions, the privileges and immunities set forth in Article VI of the Convention for experts on missions for the United Nations.

## **GUIDELINES AND GENERAL INFORMATION**

1. The International Atomic Energy Agency (I.A.E.A.) is a specialized agency of the United Nations established to ensure, through site inspections, that the nuclear safeguards described in the Treaty on the Non-Proliferation of Nuclear Weapons are honoured by those nations that have signed the Treaty.

2. Canada has agreed to allow I.A.E.A. to establish an office in Canada to facilitate the inspection of North American atomic energy sites.

### **I.A.E.A.**

3. By authority of Articles II and III of the Convention on the Privileges and Immunities of the United Nations contained in the Privileges and Immunities (International Organizations) Act, the I.A.E.A. office shall:

(a) be exempt from customs duties and prohibitions and restrictions on imports and exports in respect to articles imported or exported by that office for its official use. It is understood that articles imported under such exemption will not be sold in Canada except under conditions agreed to with the Government of Canada;

(b) be exempt from customs duties and prohibitions and restrictions on imports and exports in respect to its publications; and

(c) have the right to dispatch and receive its correspondence by courier or in bags, which shall have the same immunities and privileges as diplomatic couriers and bags.

### **Representatives of I.A.E.A. Members**

4. Pursuant to Article IV, Section 11 of the Convention, representatives, while exercising their functions and during their journey 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;

(b) inviolability for all papers and documents;

(c) exemption in respect of themselves and their spouses from immigration restrictions; and

(d) the same immunities and facilities in respect of their personal baggage as are accorded to diplomatic envoys.

5. Representatives shall have no right to claim exemption from customs duties on goods imported (otherwise than as part of their personal baggage) or from excise duties or goods and services tax.

#### **Officials of I.A.E.A.**

6. Pursuant to Article V, Section 18 of the Convention, officials of the I.A.E.A. shall:

(a) be immune, together with their spouses and relatives dependent on them, from immigration restrictions and alien registration, and

(b) have the right to import free of duty their furniture and effects at the time of first taking up their post in Canada.

#### **Experts of I.A.E.A.**

7. Pursuant to Article VI, Section 22 of the Convention, experts (as described in Section 6 of the Privileges and Immunities Accession Order) shall be accorded such privileges and immunities as are necessary for the independent exercise of their functions during the period of their mission, in particular:

(a) immunity from personal arrest or detention and from seizure of their personal baggage;

(b) inviolability for all papers and documents; and

(c) the same immunities and facilities in respect of their personal baggage as are accorded to diplomatic envoys.

8. Inspectors permanently assigned to Canada will be designated by the United Nations as "officials". Those not so designated will be considered as "experts" for Customs purposes. There are no personnel of the category of "representatives of states" assigned to Canada.

9. The United Nations, through the Secretary of State for External Affairs, will advise Customs of the names of all inspectors assigned to Canada. Designated officials will be issued a green "Identity Card — United Nations Organization" by the Department of External Affairs.

## **REFERENCES**

### **ISSUING OFFICE —**

Tariff Programs (Classification)

### **LEGISLATIVE REFERENCES —**

C.R.C., c. 1310

### **HEADQUARTERS FILE —**

4583-1

### **SUPERSEDED MEMORANDA "D" —**

D21-2-2, July 1, 1982

### **OTHER REFERENCES —**

Privileges and Immunities (International Organizations) Act  
Treaty on the Non-Proliferation of Nuclear weapons  
D21-2-1

SERVICES PROVIDED BY THE DEPARTMENT ARE AVAILABLE IN BOTH  
OFFICIAL LANGUAGES.

THIS MEMORANDUM IS ISSUED UNDER THE AUTHORITY OF THE DEPUTY  
MINISTER OF NATIONAL REVENUE, CUSTOMS AND EXCISE.