

II

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N° 552

No. 552

**UNITED NATIONS
and
INTERNATIONAL ATOMIC ENERGY AGENCY**

Agreement for the admission of the International Atomic Energy Agency into the United Nations Joint Staff Pension Fund. Signed at New York and at Vienna, on 22 and 29 September 1958, respectively

Official texts: English and French.

Filed and recorded by the Secretariat on 29 September 1958.

**ORGANISATION DES NATIONS UNIES
et
AGENCE INTERNATIONALE DE L'ÉNERGIE ATOMIQUE**

Accord en vue de l'admission de l'Agence internationale de l'énergie atomique à la Caisse commune des pensions du personnel des Nations Unies. Signé à New-York et à Vienne, les 22 et 29 septembre 1958, respectivement

Textes officiels anglais et français.

Classé et inscrit au répertoire par le Secrétariat le 29 septembre 1958.

No. 552. AGREEMENT¹ BETWEEN THE UNITED NATIONS AND THE INTERNATIONAL ATOMIC ENERGY AGENCY FOR THE ADMISSION OF THE INTERNATIONAL ATOMIC ENERGY AGENCY INTO THE UNITED NATIONS JOINT STAFF PENSION FUND. SIGNED AT NEW YORK AND AT VIENNA, ON 22 AND 29 SEPTEMBER 1958, RESPECTIVELY.

WHEREAS Article XXVIII of the Regulations of the United Nations Joint Staff Pension Fund, approved by the General Assembly of the United Nations on 7 December 1948,² provides that a specialized agency referred to in Article 57, paragraph 2, of the Charter shall become a member organization of the United Nations Joint Staff Pension Fund on its acceptance of These Regulations provided that agreement has been reached with the Secretary-General of the United Nations as to any payments necessary to be made by such specialized agency to the Pension Fund in respect of the new obligations incurred by the Fund through its admission and as to the other transitional arrangements which may be necessary, including the extent to which these Regulations are to be applicable to employees of the specialized agency at the time of admission to the Fund;

WHEREAS supplementary Article C of the Regulations of the United Nations Joint Staff Pension Fund provides that for the purposes of these Regulations, the International Atomic Energy Agency shall be treated as if it were a specialized agency;

WHEREAS the Board of Governors of the International Atomic Energy Agency has decided to accept the Regulations of the United Nations Joint Staff Pension Fund and to enter into the required agreements and whereas the Director General of the International Atomic Energy Agency has been authorized by the Board of Governors of that Organization to negotiate and sign the required agreements;

WHEREAS, as provided in Article XXVIII of the Regulations of the United Nations Joint Staff Pension Fund, this agreement has been communicated to the Joint Staff Pension Board by the representatives of the Secretary-General on that Board for observations prior to its conclusion and whereas the Joint

¹ Came into force on 29 September 1958 by signature.

² United Nations, *Official Records of the Third Session of the General Assembly, Part I*, resolution 248 (III).

Staff Pension Board has communicated to the Secretary-General that it has no objections to the execution of this agreement;

IT IS, THEREFORE, AGREED as follows :

Article 1

The International Atomic Energy Agency (hereinafter referred to as the Agency) accepts as of 1 October 1958 subject to the provisions of this Agreement, the Regulations for the United Nations Joint Staff Pension Fund (hereinafter referred to as the Regulations) as applicable to itself and to the members of its staff and becomes from that date a member organization of the United Nations Joint Staff Pension Fund (hereinafter referred to as the Fund).

Article 2

In accordance with Article II of the Regulations, the Agency has determined that every full-time member of its staff shall be subject to the regulations if he enters employment under a contract without a time limit; or if he enters employment under a fixed-term contract for five years or more; or if he has completed five years of employment and remains on a contract providing for further service of at least one year, or remains in employment for more than one year thereafter; or if the Agency certifies that the particular fixed-term contract is considered to cover a probationary period and is designed to lead to employment for an indefinite period, provided that he is under sixty years of age at the time of entry into the Fund and that his participation is not excluded by this contract of employment.

The Director General of the Agency shall promptly transmit to the Secretary of the United Nations Joint Staff Pension Board the names and other relevant data to be determined by the United Nations Joint Staff Pension Board (hereinafter referred to as the Board), pertaining to staff members becoming eligible for participation.

Article 3

In accordance with supplementary Article B of the Regulations, the Agency has determined that every full-time member of the staff shall be subject to the regulations applicable to associate participants if he enters employment under a fixed-term contract for at least one year but less than five years; or if he has completed one year of continuous employment, provided that he is not eligible under Article II.1 of the Regulations to become a participant provided that he

is under sixty years of age and provided further that his associate participation is not excluded by his contract of employment.

The Director General of the Agency shall promptly transmit to the Secretary of the Board the names and other relevant data to be determined by the Board pertaining to staff members becoming eligible for associate participation.

Article 4

Within one month following the signing of this Agreement, the Director General shall transmit to the Secretary of the Board a complete list of members of the staff of the Agency eligible for participation or associate participation in the Fund on the effective date of the admission of the Agency.

In the case of members of the staff of the Agency eligible for participation, the Director General shall indicate the date at which contributory service shall be deemed to have begun with respect to each such participant, in accordance with the provisions of Article 5 of this Agreement.

Article 5

The period prior to 1 October 1958 during which a participant was in full-time employment as a member of the staff of the Agency or its Preparatory Commission, shall be counted as contributory service under the Regulations, provided that payment is made by the Agency to the Fund of 21 per cent of the pensionable remuneration of each such participant during that period, together with interest at 3 per cent for the period, and provided, further, that there shall also be paid into the Fund by the Agency such an additional sum as may be determined by the Board, on the basis of a report from its consulting actuary, to be necessary in respect of the obligations incurred by the Fund through the counting of all such periods of prior employment as contributory service. Such an additional sum shall become payable when the Board advises the Agency of the determination it has made.

The earliest date from which employment with the Agency can be reckoned for the purpose of participation in the Fund shall be 26 October 1956.

Article 6

Within one month following the signing of the Agreement the Agency shall start paying monthly into the Fund, in respect of each associate participant, a contribution equal to $4\frac{1}{2}$ per cent of his pensionable remuneration, or such percentage contribution, not to exceed 6 per cent, as shall be determined from time to time by the Board on the basis of actuarial valuations of the Fund.

Article 7

All payments to be made by the Agency to the Fund in accordance with the Regulations shall be treated by the Agency as preferred debts which shall be satisfied immediately after payment of salaries due by the Agency to its staff.

Article 8

Should the Agency for any reason interrupt or cease to make its payments to the Fund as required under the Regulations, the Secretary of the Board shall promptly report the facts to the Board and the Board shall determine the date as of which the Agency shall be deemed to be in default. The Board shall then cause an actuarial valuation of the Fund to be made in order to determine the sum necessary to make good the Agency's share of the deficiency, if any, revealed by such valuation, which sum shall then become payable by the Agency to the Fund.

Thereafter, upon the death or cessation of service with the Agency of each participant in the employment of the Agency on the date of default, he or his designated beneficiary shall be paid the actuarial equivalent of the benefit to which he would have been entitled under Article X of the Regulations had he left the service of the Agency on the date of default.

As soon as the Agency has made the additional contributions necessary as determined by actuarial valuation to restore to each such participant remaining in the employment of the Agency during the period of default his contributory service prior to default and during the period subsequent to default, the prospective rights of each participant to the benefit provided in the preceding paragraph shall cease and he shall in lieu thereof be entitled to all the rights of a participant credited in accordance with the Regulations with contributory service from his last date of participation prior to default.

Article 9

The Agency shall furnish to the Board, at its request, information based on adequate books and records relating to participants and associate participants, including salary scales, changes in salaries, pensionable remuneration paid and deductions made therefrom.

Procedure shall be agreed upon between the Agency and the Secretary of the Board, subject to the approval of the Board, with respect to reporting, vouchering and remittance of the contributions payable by the Agency to the Fund in accord-

ance with the Regulations and the members of its staff who are participants in the Fund and with respect to such other administrative matters as it may be necessary to regulate for the implementation of the Agreement.

The Agency shall, in consultation with the Secretary of the Board, provide adequate information to its staff concerning the regulations of the Fund and its operation.

Article 10

This Agreement, of which the English and French texts are equally authentic has been duly signed in duplicate in each of these languages on

22 September 1958

29 September 1958

For the United Nations :

For the International
Atomic Energy Agency :

Dag HAMMARSKJOLD
Secretary-General

Sterling COLE
Director General