

No. 50559*

**Preparatory Commission for the Comprehensive Nuclear
Test-Ban Treaty Organization
and
Czech Republic**

Agreement between the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization and the Government of the Czech Republic on the conduct of activities, including post-certification activities, relating to international monitoring facilities for the Comprehensive Nuclear-Test-Ban Treaty (with appendix). Vienna, 13 November 2002

Entry into force: *29 January 2004 by notification, in accordance with article 22*

Authentic text: *English*

Registration with the Secretariat of the United Nations: *Preparatory Commission for the Comprehensive Nuclear Test-Ban Treaty Organization, 4 March 2013*

**No UNTS volume number has yet been determined for this record. The Text(s) reproduced below, if attached, are the authentic texts of the agreement /action attachment as submitted for registration and publication to the Secretariat. For ease of reference they were sequentially paginated. Translations, if attached, are not final and are provided for information only.*

**Commission préparatoire pour l'Organisation du Traité
d'interdiction complète des essais nucléaires
et
République tchèque**

Accord entre la Commission préparatoire de l'Organisation du Traité d'interdiction complète des essais nucléaires et le Gouvernement de la République tchèque sur la conduite des activités relatives aux installations de surveillance internationale, y compris les activités postérieures à la certification dans le cadre du traité d'interdiction complète des essais nucléaires (avec annexe). Vienne, 13 novembre 2002

Entrée en vigueur : *29 janvier 2004 par notification, conformément à l'article 22*

Texte authentique : *anglais*

Enregistrement auprès du Secrétariat des Nations Unies : *Commission préparatoire pour l'Organisation du Traité d'interdiction complète des essais nucléaires, 4 mars 2013*

- * Numéro de volume RTNU n'a pas encore été établie pour ce dossier. Les textes reproduits ci-dessous, s'ils sont disponibles, sont les textes authentiques de l'accord/pièce jointe d'action tel que soumises pour l'enregistrement et publication au Secrétariat. Pour référence, ils ont été présentés sous forme de la pagination consécutive. Les traductions, s'ils sont inclus, ne sont pas en form finale et sont fournies uniquement à titre d'information.

[ENGLISH TEXT – TEXTE ANGLAIS]

AGREEMENT

BETWEEN

**THE PREPARATORY COMMISSION FOR THE
COMPREHENSIVE NUCLEAR-TEST-BAN TREATY ORGANIZATION**

AND THE GOVERNMENT OF THE CZECH REPUBLIC

**ON THE CONDUCT OF ACTIVITIES,
INCLUDING POST-CERTIFICATION ACTIVITIES,
RELATING TO
INTERNATIONAL MONITORING FACILITIES
FOR THE COMPREHENSIVE NUCLEAR-TEST-BAN TREATY**

PREAMBLE

In accordance with paragraph 12(b) of the Text on the Establishment of a Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization, as annexed to the Resolution establishing the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization (“the Preparatory Commission”), adopted by the meeting of States Signatories of the Comprehensive Nuclear-Test-Ban Treaty (“CTBT”) on 19 November 1996 at New York, the Preparatory Commission and the Government of the Czech Republic (“the Parties”), with the goal of facilitating the activities of the Provisional Technical Secretariat in: (a) conducting an inventory of an existing International Monitoring System (“IMS”) facility; (b) conducting a site survey; (c) upgrading or establishing an IMS facility; (d) establishing and/or upgrading communication facilities at an IMS facility and in the National Data Centre; and (e) certifying facilities to IMS standards, and with the goal of facilitating the continued testing, provisional operation, as necessary, and maintenance of the IMS in pursuit of the goal of an effective Treaty, have agreed, pursuant to the provisions of the CTBT, in particular Articles I to IV and Part I of the Protocol, as follows:

Article 1

The Preparatory Commission and the Government of the Czech Republic shall cooperate to facilitate the implementation of the provisions of this Agreement. The activities to be carried out by or on behalf of the Preparatory Commission in the Czech Republic are or will be set forth in the Appendix or Appendices to this Agreement. Appendices may be added or removed from time to time by mutual agreement of the Parties.

Article 2

Where activities pursuant to the provisions of this Agreement concerning procurement are to be carried out on behalf of the Preparatory Commission, the activities shall be performed according to the terms and conditions of a contract or contracts awarded by the Preparatory Commission in accordance with the provisions of the Financial Regulations and Rules of the Preparatory Commission.

Article 3

Where activities pursuant to the provisions of this Agreement are to be carried out by the Preparatory Commission, the activities shall be conducted by the Preparatory Commission Team (“the Team”) which shall consist of the personnel that shall, after consultations with the Government of the Czech Republic, be designated by the Preparatory Commission. The Government of the Czech Republic shall be entitled to refuse particular Team members on the understanding that the Preparatory Commission will be entitled to propose new Team members to replace them. For each activity carried out by the Team, the Preparatory Commission shall designate a Team Leader and the Government of the Czech Republic shall designate an Executive Agent who shall be the points of contact between the Commission and the Government of the Czech Republic.

Article 4

No less than 14 days in advance of the proposed arrival of the Team at the point of entry, the Team Leader and the Executive Agent shall consult for the purpose of facilitating the conduct of the activities that will be undertaken, including consultations regarding the

equipment to be brought into the Czech Republic by the Team for carrying out the activities undertaken in accordance with the provisions of this Agreement. For post-certification activities, such equipment should be in accordance with the relevant IMS Operational Manuals adopted by the Preparatory Commission without prejudice to Article II, paragraph 26(h), of the CTBT. In the course of these consultations, the Government of the Czech Republic shall inform the Preparatory Commission of the points of entry and exit through which the Team and equipment will enter and exit the territory of the Czech Republic.

Article 5

During the consultations noted in Article 4 above, the Government of the Czech Republic will inform the Preparatory Commission of information required for the Czech Republic to issue documents to enable the Team to enter and remain on the territory of the Czech Republic for the purpose of carrying out activities consistent with the relevant IMS Operational Manuals adopted by the Preparatory Commission without prejudice to Article II, paragraph 26(h), of the CTBT and set forth in the Appendix or Appendices to this Agreement. The Preparatory Commission shall provide that information to the Government of the Czech Republic as soon as possible after the conclusion of those consultations. In accordance with the relevant laws and regulations of the Czech Republic, the Team shall be entitled to enter the territory of the Czech Republic and remain there for the period of time necessary to carry out such activities.

Article 6

The activities of the Team pursuant to the provisions of this Agreement shall be arranged in cooperation with the Government of the Czech Republic so as to ensure, to the greatest degree possible, the timely and effective discharge of its functions, and the least possible inconvenience to the Government of the Czech Republic and disturbance to the IMS facility or area at which the Team will carry out its activities.

Article 7

The provisions of the Convention on the Privileges and Immunities of the United Nations shall apply, *mutatis mutandis*, to the activities of the Preparatory Commission, its officials and experts in implementing the provisions of this Agreement.

Article 8

The Government of the Czech Republic shall make all reasonable efforts to ensure that local entities cooperate with the activities undertaken by the Team. The Preparatory Commission shall take all reasonable steps necessary to ensure that the Executive Agent of the Government of the Czech Republic is kept informed of progress or developments in relation to the activities, listed in the Appendix to this Agreement, which are undertaken by the Team in the territory of the Czech Republic.

Article 9

The Executive Agent and the Team Leader shall agree, during the consultations noted in Article 4, a list of equipment to be brought into the Czech Republic by the Team. The Government of the Czech Republic shall have the right to conduct an inspection of equipment brought into the Czech Republic by the Team to ascertain that the equipment conforms to the agreed list. The Government of the Czech Republic shall conduct such an inspection without the presence of the Team Leader, unless the Team Leader decides that his or her presence is necessary. Items of equipment that require special handling or storage for safety purposes shall be so designated by the Team Leader and communicated to the Executive Agent prior to the arrival of the Team at the point of entry. The Government of the Czech Republic shall ensure that the Team can store its equipment in a securable workspace. In order to prevent undue delays in transporting equipment, the Government of the Czech Republic shall assist the Team in meeting the internal rules and regulations of the Czech Republic for importing such equipment into and, where appropriate, exporting such equipment out of the Czech Republic.

Article 10

The equipment and other property of the Preparatory Commission brought into the Czech Republic in order to implement the provisions of this Agreement shall be exempt from customs duties. The Executive Agent shall facilitate the customs clearance of any such equipment or property. Title to any equipment transferred by the Preparatory Commission to the Czech Republic for permanent installation in the IMS facility in accordance with the provisions of this Agreement shall immediately pass to the Government of the Czech Republic upon entry into the jurisdiction of the Czech Republic.

Article 11

The Preparatory Commission, and its assets, income and other property shall, subject to Czech law, be exempt from all direct taxes in the Czech Republic. The Government of the Czech Republic shall make appropriate administrative arrangements for the remission or return of any duty or tax which forms part of the price paid by the Preparatory Commission in making purchases and in contracting for services pursuant to the provisions of this Agreement.

Article 12

Any data and any official reports prepared by either Party with respect to the activities undertaken in accordance with the provisions of this Agreement shall be made available to the other Party.

Article 13

For the purposes of this Agreement, post-certification activities for the IMS facility shall commence upon completion of the following two requirements:

- (i) Certification of the IMS facility by the Preparatory Commission in accordance with relevant certification manuals or procedures;

- (ii) Adoption of the budget, including detailed financial arrangements, if any, for the operation and maintenance of the IMS facility by the Preparatory Commission.

Article 14

For post-certification activities:

- (i) The IMS facility shall be tested, provisionally operated, as necessary, and maintained by the Government of the Czech Republic in accordance with procedures and arrangements agreed between the Parties. In order to ensure that the International Data Centre (“IDC”) receives high quality data with a high degree of reliability, these procedures should be consistent with the relevant IMS Operational Manuals as adopted by the Preparatory Commission without prejudice to Article II, paragraph 26(h), of the CTBT.
- (ii) The Government of the Czech Republic shall provide all appropriate utilities, consistent with the relevant IMS Operational Manuals as adopted by the Preparatory Commission without prejudice to Article II, paragraph 26(h), of the CTBT, for the testing, provisional operation, as necessary, and maintenance of the IMS facility in accordance with relevant laws and regulations of the Czech Republic, with costs to be met by the Preparatory Commission in accordance with Article IV, paragraphs 20 and 21, of the CTBT and relevant budgetary decisions of the Preparatory Commission.
- (iii) The Government of the Czech Republic shall ensure that, upon request, suitable frequencies required for the necessary communications links are made available in accordance with national laws, regulations and the national frequency usage plan.
- (iv) The Government of the Czech Republic, if requested (in accordance with Part I, Section B, of the Protocol to the CTBT), shall transmit data recorded or acquired by the IMS facility to the IDC using the formats and protocols to be specified in the Operational Manual for Seismological Monitoring and the International Exchange of Seismological Data. Such transmission of data shall be by the most direct and cost efficient means available via the National Data Centre and/or directly from the IMS facility. All communications of data to the Preparatory Commission shall be free of fees and any other charges of the Government or any other competent authority in the Czech

shall not exceed the lowest rates accorded to governmental agencies in the Czech Republic.

- (v) The Government of the Czech Republic shall maintain the basic physical security of the IMS facility and associated equipment, including data lines and field equipment and sensors, with costs allocated in accordance with Article IV, paragraphs 20 and 21, of the CTBT and relevant budgetary decisions of the Preparatory Commission.
- (vi) The Government of the Czech Republic shall ensure that the instruments at the IMS facility are calibrated in accordance with the relevant IMS Operational Manuals as adopted by the Preparatory Commission without prejudice to Article II, paragraph 26(h), of the CTBT.
- (vii) The Government of the Czech Republic shall notify the Preparatory Commission when a problem occurs, informing the IDC of the nature of the problem and providing an estimate of the expected time required to fix the problem. The Government of the Czech Republic shall also notify the Preparatory Commission when an abnormal event occurs that affects the quality of the data originating from the IMS facility.
- (viii) The Preparatory Commission shall consult with the Government of the Czech Republic on procedures for the Preparatory Commission to access the IMS facility for checking equipment and communications links, and to make necessary changes in the equipment and other operational procedures, unless the Government of the Czech Republic takes responsibility for making such changes. The Preparatory Commission shall have access to the IMS facility in accordance with such procedures.

Article15

The Government of the Czech Republic shall ensure that its IMS facility staff respond as soon as practicable to enquiries originating from the Preparatory Commission and which are related to the testing and provisional operation, as necessary, of the IMS facility or to the transmission of data to the IDC. These responses shall be made in the format specified in the operational manual of the IMS facility.

Article 16

Confidentiality regarding the implementation of this Agreement shall be dealt with in accordance with the CTBT and the relevant decisions of the Preparatory Commission.

Article 17

The cost for all of the activities in accordance with the Appendix to this Agreement will be met by the Preparatory Commission in accordance with Article IV, paragraphs 20 and 21, of the CTBT and relevant budgetary decisions of the Preparatory Commission.

Article 18

Following completion of each of the activities set forth in the Appendix or Appendices, the Preparatory Commission shall provide the Government of the Czech Republic with such appropriate technical assistance as the Preparatory Commission deems required for the proper functioning of the IMS facility as part of the IMS. The Preparatory Commission shall also provide technical assistance in, and support for, the provisional operation, as necessary, and maintenance of the IMS facility and respective communication means, where such assistance is requested by the Government of the Czech Republic and within approved budgetary resources.

Article 19

In the case of any disagreement or dispute arising between the Parties relating to the implementation of this Agreement, the Parties shall consult with a view to the expeditious settlement of the disagreement or dispute. In the case of failure to resolve the disagreement or dispute, either Party may raise the issue at a plenary session of the Preparatory Commission for its advice and assistance.

Article 20

Changes to this Agreement shall be made by agreement of the Parties. The Parties may enter into supplemental Agreements as they mutually determine to be necessary.

Article 21

The Appendix or Appendices to this Agreement form an integral part of the Agreement and any reference to this Agreement includes a reference to the Appendix or Appendices. In the event that there is an inconsistency between any provision in an Appendix and in the body of this Agreement, the latter provision prevails.

Article 22

This Agreement shall enter into force on the date on which the Government of the Czech Republic has informed the Preparatory Commission that the national requirements for such entry into force have been fulfilled. The relevant date shall be the day on which the communication is received. This Agreement shall remain in force until conclusion of a new facility agreement between the Government of the Czech Republic and the Comprehensive Nuclear-Test-Ban Treaty Organization after the entry into force of the CTBT.

signed at Vienna on the 13th day of November 2002 in two originals in the English language.

for the Preparatory Commission
for the Comprehensive Nuclear-Test-
Ban Treaty Organization

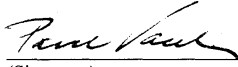


(Signature)

Wolfgang Hoffmann
Executive Secretary

(Name and Title)

For the Government of the
Czech Republic



(Signature)

Pavel Vacek
Ambassador Extraordinary
and Plenipotentiary

(Name and Title)

APPENDIX

to the Agreement between the Preparatory Commission for the
Comprehensive Nuclear-Test-Ban Treaty Organization and the
Government of the Czech Republic on the
Conduct of Activities, Including Post-Certification Activities,
Relating to International Monitoring Facilities for the
Comprehensive Nuclear-Test-Ban Treaty

THE IMS FACILITY HOSTED BY THE CZECH REPUBLIC

Any or all of the following operations may be required at the IMS facility:

- Inventory
- Site survey
- Installation⁷
- Upgrade
- Certification
- Post-certification activities

- | | |
|----------------------------|----------|
| 1. Vranov | VRAC |
| Seismological Station AS26 | Type 3-C |