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RULES REGARDING THE COMMISSARY AT THE VIENNA INTERNATIONAL CENTRE

(Effective 1 January 2002)

ARTICLE I

GENERAL

Rule 1.01

The Commissary at the Vienna International Centre (VIC) facilitates the purchase of limited quantities of certain articles for personal use or consumption by the members of Permanent Missions accredited to and officials of the VIC-based organizations consisting of the IAEA, UN (Vienna), UNIDO and the Preparatory Commission for the Comprehensive Nuclear Test-Ban Treaty Organization (CTBTO), in accordance with the privileges granted under the provisions of the following Agreements:

- (a) Supplemental Agreement of 1 March 1972 on the Establishment of an Agency Commissary for the purpose of implementing Section 38 j(iii) of the Agreement of 11 December 1957 between the International Atomic Energy Agency and the Republic of Austria regarding the Headquarters of the IAEA, as amended by the Agreement of 4 June 1970;
- (b) Supplemental Agreement of 1 March 1972 between the United Nations Industrial Development Organization and the Austrian Government for the purpose of implementing Article XII, Section 27 j(iii) of the Agreement between the Republic of Austria and the United Nations regarding the Headquarters of UNIDO, of 13 April 1967, as amended by the Exchange of Notes of 8 December 1981 and the Exchange of Notes of 20 December 1985 between the Federal Government of the Republic of Austria and the United Nations extending, as regards the United Nations, the provisions of certain supplemental agreements to the existing UNIDO Headquarters Agreement, for an interim period until their replacement by definitive instruments;
- (c) The Agreement referred to under (a) has been incorporated by reference into the Agreement between the Preparatory Commission for the Comprehensive Nuclear Test-Ban Treaty Organization (CTBTO) and the Republic of Austria regarding the Seat of the Commission (See Sections 40(b), 41, 45(k) and applies to CTBTO. The Agreement referred to under (b) applies to UN (Vienna) and UNIDO as set forth in Section 59(h) of the UN Headquarters Agreement of 1998 and in Section 59(g) of the UNIDO Headquarters Agreement of 1998.

Rule 1.02

Organizations other than the IAEA, UN (Vienna), UNIDO and CTBTO to which the Austrian Government has granted the privilege to use Commissary facilities under specified conditions may also be granted access to the Commissary upon agreement between the IAEA, UN (Vienna), UNIDO and CTBTO on the one hand and the Republic of Austria on the other. Organizations which previously had the right of access to the Commissary shall continue to enjoy this right. All organizations having the right of access to the Commissary shall hereinafter be referred to as the "User Organizations".

Rule 1.03

Pursuant to the Memorandum of Understanding of 31 March 1977 concerning the allocation of common services at the VIC concluded between the IAEA, UN (Vienna) and UNIDO, as amended by the Supplementary

Memorandum of Understanding of 30 November 1998 between the IAEA, UN (Vienna), UNIDO and CTBTO for the purpose of making CTBTO a member in the common services arrangements, the responsibility for managing and operating the Commissary is assigned to the IAEA.

Rule 1.04

The Commissary is an integral part of the IAEA's Secretariat and has no legal personality of its own. It shall be operated as a self-sustaining and non-profit making operation on behalf of the IAEA, UN (Vienna), UNIDO and CTBTO, under the authority of the Director General of the IAEA in accordance with these Rules and the pertinent provisions of the Agreements referred to in Rule 1.01 above.

ARTICLE II**RIGHT AND CONDITIONS OF ACCESS****Rule 2.01**

The following persons (hereinafter referred to as "participants") shall be authorized to enjoy the Commissary services:

- (a) Officials of the User Organizations entitled to Commissary privileges under the Supplemental Agreements referred to in Rule 1.01;
- (b) Governors of the IAEA, Heads of Permanent Missions accredited to the IAEA, UN (Vienna), UNIDO and CTBTO, their alternates, advisers, experts and secretaries¹ who have diplomatic status - Austrian citizens and stateless persons permanently resident in Austria excluded - as provided for under the Supplemental Agreements referred to in Rule 1.01;
- (c) Heads of delegations of Member States to meetings of or convened by the IAEA, UN (Vienna) or other UN organs established in Vienna, UNIDO and CTBTO, - Austrian citizens and stateless persons permanently resident in Austria excluded - as provided for under the Supplemental Agreements referred to in Rule 1.01;
- (d) Other categories of persons as may be provided for under the Supplemental Agreements referred to in Rule 1.01 and the agreements referred to in Rule 1.02.

Rule 2.02

Access to the Commissary shall be limited to holders of a Grounds Pass validated for Commissary access, and nobody may make a purchase without presenting his or her own Grounds Pass to the cashier. A Grounds Pass validated for Commissary access shall be issued to each participant; in addition, participants in categories (a) and (b) of Rule 2.01 above shall be entitled to a Grounds Pass validated for Commissary access for one other member of their immediate family. For the purpose of these Rules, "member of immediate family" means spouse, unmarried child, parent, sister or brother living in the same household. If a family includes more than one participant, only one other member of the immediate family may be issued a Grounds Pass validated for Commissary access with the agreement of the participants concerned.

¹ Clerical and other auxiliary personnel of Permanent Missions have no access to the Commissary.

Rule 2.03

There shall be three types of Commissary privileges:

- (a) *Type A.* For those participants mentioned in Rule 2.01 above who have diplomatic status, and who are not Austrian citizens or stateless permanently residing in Austria;
- (b) *Type B.* For those participants mentioned in Rule 2.01 above who do not have diplomatic status, and who are not Austrian citizens or stateless permanently residing in Austria;
- (c) *Type C.* For those participants mentioned in Rule 2.01 above who are Austrian citizens or who have dual citizenship of which one is Austrian, or who are stateless permanently residing in Austria.

Rule 2.04

Family members' Grounds Passes validated for Commissary access shall bear a mark clearly identifying them as such.

Rule 2.05

The period of validity of Grounds Passes validated for Commissary access shall be clearly indicated if it is less than one year. Grounds Passes validated for Commissary access shall be returned to the Pass Office when their holders are no longer entitled to access to the Commissary.

Rule 2.06

In the event of loss of a Grounds Pass validated for Commissary access, the Pass Office shall inform the Commissary Management of the loss and of the issuance of any replacement Grounds Pass.

Rule 2.07

The Executive Head of each User Organization shall designate the officials within his/her organization who may authorize the issuance of a Grounds Pass validated for Commissary access by the Pass Office.

ARTICLE III**ENTITLEMENTS AND RESTRICTIONS ON PURCHASES****Rule 3.01**

Articles purchased in the Commissary in limited quantities are for personal use and consumption and they may not be sold, presented as gifts or used in any other manner inconsistent with these Rules.

Rule 3.02

- (a) The monthly purchase entitlements of participants, rounded to the nearest € 10, shall be as follows:
 - (i) For grades P-5 and above:
 - 12% of the salary of grade D-1, step 1, for a single participant, and
 - 14% of that salary for a married participant or one with dependant(s) recognized under Staff Regulations and Staff Rules;

- (ii) For grades P-3 to P-4, inclusive:
 - 14% of the salary of grade P-4, step 1, for a single participant, and
 - 16% of that salary for a married participant or one with dependant(s) recognized under Staff Regulations and Staff Rules;
- (iii) For grades P-1 to P-2, inclusive:
 - 17% of the salary of grade P-2, step 1, for a single participant, and
 - 21% of that salary for a married participant or one with dependant(s) recognized under Staff Regulations and Staff Rules;
- (iv) For grade G-7:
 - 19% of the salary of grade G-7, step 1, for a single participant, and
 - 24% of that salary for a married participant or one with dependant(s) recognized under Staff Regulations and Staff Rules;
- (v) For grade G-6:
 - 19% of the salary of grade G-6, step 1, for a single participant, and
 - 26% of that salary for a married participant or one with dependant(s) recognized under Staff Regulations and Staff Rules;
- (vi) For grades G-4 to G-5, inclusive:
 - 20% of the salary of grade G-5, step 1, for a single participant, and
 - 25% of that salary for a married participant or one with dependant(s) recognized under Staff Regulations and Staff Rules;
- (vii) For grades G-1 to G-3, inclusive:
 - 26% of the salary of grade G-3, step 1, for a single participant, and
 - 30% of that salary for a married participant or one with dependant(s) recognized under Staff Regulations and Staff Rules.
- (b) For the purpose of these Rules "salary" shall mean, for participants in the GS category, the net base salary (gross base salary less staff assessment) applicable on 1 July of each year; and for participants in the Professional and higher categories, the remuneration (net base salary plus post adjustment) applicable on 1 July of each year.
- (c) € 30, shall be added to the applicable entitlement for the fourth and each additional recognized dependant.
- (d) Entitlements of participants who hold part-time appointments shall be calculated on a pro-rata basis using the above criteria.
- (e) Persons holding contracts of less than one month at the Professional and higher categories shall be entitled to 50% of the monthly entitlement at the single rate for grades P-5 and above; those in the GS category shall be entitled to 50% of the monthly entitlement at the single rate for grade G-5.
- (f) Officials of User Organizations which do not participate in the United Nations common system shall be allocated entitlements commensurate with a grade on the United Nations scale, by the organization concerned. Their cash value entitlement shall be calculated accordingly.

- (g) Governors of the IAEA and Heads of Permanent Missions accredited to the IAEA, UN (Vienna), UNIDO and CTBTO as well as their alternates, advisers, experts and secretaries² who have diplomatic status shall have the cash value entitlement corresponding to the P-5 and above level.
- (h) Heads of delegations of Member States to meetings of or convened by the IAEA, UN (Vienna) or other UN organs established in Vienna, UNIDO and CTBTO shall also have the cash value entitlement corresponding to the P-5 and above level.

Rule 3.03

There shall be a limitation on purchase of alcoholic beverages and tobacco products as follows:

- (a) Participants holding *type A* Commissary privileges shall be entitled to purchase up to 4800 cigarettes or 1200 cigars or 6000 grams of tobacco or an assortment of these tobacco products up to a total weight of 6000 grams, and 24 litres of spirits, per month. In addition to the limited quantities for personal use and consumption, they may purchase spirits and tobacco products for official entertainment by making use of the Official Commissary Card issued to each Mission;
- (b) Participants holding *type B* Commissary privileges shall be entitled to purchase up to 1200 cigarettes or 300 cigars or 1500 grams of tobacco or an assortment of these tobacco products up to a total weight of 1500 grams and 6 litres of spirits, per month. Officials who hold part-time appointments or contracts of less than one month shall be entitled to purchase 600 cigarettes or 150 cigars or 750 grams of tobacco or an assortment of tobacco products up to a total weight of 750 grams, and 3 litres of spirits; in the event of extension of such short-term contracts, these entitlements shall not exceed the amounts provided for in the preceding sentence;
- (c) Participants holding *type C* Commissary privileges shall be entitled to purchase up to 600 cigarettes or 150 cigars or 750 grams of tobacco or an assortment of these tobacco products up to a total weight of 750 grams, 2 litres of spirits, 12 litres of other alcoholic beverages and 24 bottles of beer, per month. Officials who hold part-time appointments or contracts of less than one month shall be entitled to purchase 400 cigarettes or 100 cigars or 500 grams of tobacco or an assortment of tobacco products up to a total weight of 500 grams, 1.5 litres of spirits, 6 litres of other alcoholic beverages and 12 bottles of beer; in the event of extension of such short-term contracts, these entitlements shall not exceed the amounts provided for in the preceding sentence.

These entitlements shall be controlled on-line by electronic means at the points of sale. The control shall be of such a nature that it is not possible for a participant to purchase more than his/her entitlement as prescribed in Rules 3.02 and 3.03.

Rule 3.04

Purchase entitlements provided for in Rules 3.02 and 3.03 or portion thereof that remain unused in a given month may be carried over to the next month within the same calendar quarter. Any entitlements remaining at the end of each quarter, however, expire and may not be carried over to the next quarter.

Rule 3.05

In order to facilitate the Commissary Management's supervision of purchase entitlements, the User Organizations shall provide the Commissary Management with relevant information concerning each participant's grade and nationality (namely, non-Austrian, Austrian citizen or stateless person permanently resident in Austria) and the basis for entitlement to a Grounds Pass validated for Commissary access for one family member. It is the

² Clerical and other auxiliary personnel of Permanent Missions have no access to the Commissary.

responsibility of each User Organization to keep the Commissary Management informed of any changes in the status of participants and of participants' separation.

Rule 3.06

The purchases of each individual participant and his/her recognized family member shall be recorded. Participants shall be entitled to information concerning their accounts.

ARTICLE IV**VIOLATIONS****Rule 4.01**

Any violation or abuse of Commissary Rules by participants may result in:

- (i) a warning, informing the offender of sanctions which may be applied in the event of future improper conduct constituting a violation or abuse of Commissary Rules;
- (ii) temporary withdrawal of Commissary privileges; or
- (iii) permanent withdrawal of Commissary privileges.

Rule 4.02

Violation or abuse shall include, but shall not be limited to: theft; fraud; unauthorised transactions among participants or with third parties.

Rule 4.03

Any alleged violation or abuse of Commissary Rules shall be investigated by the UN Security and Safety Section. A written report on the incident shall be forwarded to the Head of the Department of Management with a copy to the Director of Personnel of the User Organization of which the alleged offender is an official and a copy sent to the Commissary Management. Where the alleged offender is a Government official falling under Commissary Rule 2.01(b), (c) or (d), the respective Permanent Mission shall be informed through the responsible administrative office of the VIC-based organization concerned. Where the alleged offender holds a family card, the participant's User Organization or Permanent Mission, as the case may be, shall be informed.

Rule 4.04

Upon determination by the Commissary Management that a prima facie case exists, Commissary Management may bar access to the Commissary on a preliminary basis pending a final decision on the appropriate administrative sanction as provided in para. 4.05 below.

Rule 4.05

Upon receipt of a written report from UN Security and Safety Section, the Head of the Department of Management of the IAEA shall take a final decision as to whether a violation or abuse of Commissary Rules has occurred and what sanctions referred to in para. 4.01 above should be imposed. Factors such as the gravity of the offence and the circumstances of the individual offender shall be taken into account when rendering such a decision.

Rule 4.06

In the event of a finding that there has been a violation or abuse of Commissary Rules, offenders shall be informed directly of the decision taken by the Head of the Department of Management of the IAEA and a copy sent to the respective Director of Personnel of the User Organization or to the Permanent Mission concerned.

Rule 4.07

Application for review of the decision taken pursuant to para. 4.05 above may be submitted to the Director General of the IAEA who shall affirm, reverse or revise the decision taken by the Head of the Department of Management of the IAEA.

Rule 4.08

Notwithstanding the administrative sanctions imposed under the Commissary Rules 4.01 - 4.07 in cases of violations or abuse, disciplinary actions may be taken by the User Organizations in accordance with the procedure set forth in the User Organizations' staff regulations and rules.

ARTICLE V**MANAGEMENT OF THE COMMISSARY AND COMMISSARY ADVISORY COMMITTEE****Rule 5.01**

A Commissary Advisory Committee shall be established which will give guidance to the IAEA on the operation of the Commissary. The IAEA will make every effort to accommodate the Commissary Advisory Committee's advice. The Commissary Advisory Committee shall not interfere in the management and operation of the service.

Rule 5.02

The Commissary Advisory Committee shall be composed of the following members;

- (a) Two members designated by the Director General of the IAEA from among the staff of the IAEA;
- (b) Two members designated by the Staff Council of the IAEA from among the staff of the IAEA;
- (c) Two members designated by the Director-General of UN (Vienna) from among the staff of UN (Vienna);
- (d) Two members designated by the Staff Council of UN (Vienna) from among the staff of UN (Vienna);
- (e) Two members designated by the Director-General of UNIDO from among the staff of UNIDO;
- (f) Two members designated by the Staff Council of UNIDO from among the staff of UNIDO;
- (g) One member designated by the Executive Secretary of CTBTO from among the staff of CTBTO;
- (h) One member designated by the Staff Council of CTBTO from among the staff of CTBTO;
- (i) One member designated by the Director General of the IAEA in consultation with the Director-General of UN (Vienna) and the Director-General of UNIDO, from among the Governors, Resident Representatives, Permanent Representatives, Permanent Observers and members of Permanent Missions accredited to the User Organizations.

Rule 5.03

There shall be one alternate for each member, designated according to the same procedure. An alternate shall vote only in the absence of the respective member.

Rule 5.04

Staff designated under Rule 5.02 and their alternates shall not be staff exercising management responsibilities in relation to the Commissary.

Rule 5.05

Designation to the Commissary Advisory Committee shall be for two years. Members and alternates may be re-appointed.

Rule 5.06

The Committee shall elect the Chairperson of the Commissary Advisory Committee from among the IAEA staff members serving on the Committee; and the Vice-Chairperson from among the UN (Vienna)/UNIDO staff members serving on the Committee. The Committee shall adopt its own rules of procedure and may establish subsidiary bodies.

Rule 5.07

At its request, the Commissary Advisory Committee shall be provided with all available information concerning the operation and financial position of the Commissary that the Committee finds necessary for its effective functioning.

Rule 5.08

The Commissary Advisory Committee shall endeavour to consider the suggestions and the wishes of the participants concerning the Commissary and may make recommendations thereupon.

Rule 5.09

Recommendations of the Commissary Advisory Committee shall be transmitted by its Chairperson to the Director General of the IAEA with a copy to the Management of the Commissary. The Commissary Advisory Committee shall be advised of the Director General's decision with the accompanying information.

ARTICLE VI**PRICING****Rule 6.01**

Pricing of goods sold in the Commissary shall be so as to meet all operational expenses of the Commissary. The pricing policy shall be oriented to make the Commissary self-sustaining on a commercial basis, without making profit, and to accumulate reasonable reserves for working capital, losses and risks, bearing in mind the desirability of keeping sales prices as low as possible. Prices shall be fixed by the Commissary Manager in line with the pricing policy adopted by the Director General of the IAEA after consultation with the Commissary Advisory Committee.

Rule 6.02

The Director General of the IAEA, after consultation with the Commissary Advisory Committee and in agreement with the Directors-General of UN (Vienna) and UNIDO and the Executive Secretary of CTBTO, may authorize, for the purpose of financing staff welfare activities, a special mark-up on certain goods sold in the Commissary. The income derived from this special mark-up shall be distributed to the Staff Welfare Funds of the IAEA, UN (Vienna) and UNIDO and to the special account earmarked by CTBTO for staff activities, in proportion to the sales made to the employees of the aforementioned organizations.

Rule 6.03

The Catering Service at the VIC is entitled to purchase goods from the Commissary at cost, including freight, insurance and an equitable handling charge which shall be agreed upon between the Commissary and Catering Managements.

ARTICLE VII**FINANCE AND ACCOUNTS****Rule 7.01**

The Commissary shall be housed free of charge in appropriate heated and air-conditioned premises in the VIC. Replacement of equipment, expendable supplies and furnishing, including decoration and re-decoration of premises, shall be provided by the Commissary.

Rule 7.02

The working capital of the Commissary shall consist of the initial investments originating from the accumulated funds of the former IAEA and UNIDO Commissaries (1 October 1979) and surpluses accumulated during the course of operation of the Commissary. The size of the working capital shall be sufficient to cover at least two months supply of goods as well as a balance of cash sufficient to meet current liabilities.

Rule 7.03

The financial year shall be the period 1 January to 31 December. Physical inventories shall be taken at least once per year. The accounts of the Commissary shall provide for a depreciation reserve towards replacement of equipment in accordance with normal commercial practice.

Rule 7.04

The certification of obligations and commitments incurred on behalf of the Commissary, as well as the certification of invoices, bills, stock records, inventories, etc. in accordance with procedures established by the Director General of the IAEA for the proper accounting of cash and stocks, shall be the responsibility of the certifying officer and alternate certifying officer(s) designated by the Director General.

Rule 7.05

The accounts of the Commissary shall be kept in accordance with the IAEA's Financial Regulations, Rules, procedures and practices but shall be separate from the accounts of the IAEA. They shall be maintained in euro and shall be subject to audit by the Internal and External Auditor of the IAEA. The latter shall report thereon to

the Director General of the IAEA, who will provide a copy of the report to the Director-General of UN (Vienna), the Director-General of UNIDO, the Executive Secretary of CTBTO and the Commissary Advisory Committee.

Rule 7.06

The Management of the Commissary shall submit, by the end of the first quarter, to the Director General of the IAEA with copies to the Director-General of UN (Vienna), the Director-General of UNIDO, the Executive Secretary of CTBTO, the Commissary Advisory Committee and the Staff Councils of IAEA, UN (Vienna), UNIDO and CTBTO, an annual report on the activities of the Commissary together with the annual accounts, covering the period 1 January to 31 December of the previous year. The Commissary Advisory Committee may submit its comments on the annual report and its recommendations, if any.

ARTICLE VIII**SANITARY INSPECTIONS****Rule 8.01**

The Chief Medical Officer of the Medical Services at the VIC shall be responsible for carrying out regular and/or *ad hoc* sanitation inspections of all premises of the Commissary, and submit a written report thereupon, with recommendations, if any, to the Director General of the IAEA with copies to the Director-General of UN (Vienna), the Director-General of UNIDO and the Executive Secretary of CTBTO, the Commissary Advisory Committee and to the Staff Councils of the IAEA, UN (Vienna), UNIDO and CTBTO.

ARTICLE IX**LIQUIDATION OF THE COMMISSARY****Rule 9.01**

In the event of liquidation of the Commissary, the following order of priority shall apply:

- (a) First, amounts due to suppliers and others outside the User Organizations;
- (b) Second, any amounts due to the User Organizations;
- (c) Third, return of the working capital as defined in Rule 7.02 computed as of 31 December 1998 in equal shares to IAEA and UNIDO.

Rule 9.02

Any balance remaining after liquidation pursuant to Rule 9.01 shall be transferred to the Staff Welfare Funds of IAEA, UN (Vienna), UNIDO and the special account earmarked by CTBTO for staff activities in proportion to the sales made to their employees beginning 1 January 1999 or the five-year period preceding the year of liquidation, whichever period is less. If any of the Staff Welfare Funds or the special account have been liquidated, the balance shall be transferred to the IAEA, UN (Vienna), UNIDO and CTBTO funds in the same proportion.

ARTICLE X

EFFECTIVE DATE AND AMENDMENTS

Rule 10.01

These Rules may be amended by the Director General of the IAEA in agreement with the Director-General of UN (Vienna), the Director-General of UNIDO and the Executive Secretary of CTBTO, and after consultation with the Commissary Advisory Committee.