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UPDATE TO NATIONAL IMPLEMENTATION MEASURES: LEGISLATION, PRIVILEGES AND IMMUNITIES, AND FACILITY AGREEMENTS

Note by the Executive Secretary

CTBT/PTS/INF.1204 provides information and discussion on national implementation measures. Its annexes, which contain information on the current status of national implementation measures, are updated periodically based on the most recent information provided by States Signatories. This Note provides a new update to those annexes. It was prepared following the decision by Working Group A at its Sixtieth Session to revert to this item at its Sixty-Second Session (CTBT/PC-57/WGA/1, paragraph 22).

1. BACKGROUND

- 1.1. Paragraph 18 (a) of the Annex to the Resolution establishing the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization (Resolution) mandates the Commission to facilitate the exchange of information between States Signatories concerning legal and administrative measures for the implementation of the Treaty and, if requested, give advice and assistance to them on these matters. Concurrent therewith, paragraph 12 of the Annex to the Resolution directs that the Commission develop draft agreements, arrangements and guidelines for approval by the Conference of the States Parties in accordance with the Treaty and the Protocol.
- 1.2. Paragraph 7 of the Annex to the Resolution states that “The Commission shall have standing as an international organization, authority to negotiate and enter into agreements, and such other legal capacity as necessary for the exercise of its functions and the fulfilment of its purposes”. Paragraph 22 of the Annex to the Resolution further provides that “The Commission as an international organization, its staff, as well as the delegates of the States Signatories shall be accorded by the Host Country such legal status, privileges and immunities as are necessary for the independent exercise of their functions in connection with the Commission and the fulfilment of its object and purpose.”

- 1.3. Pursuant thereto and at the request of Working Group A (WGA), the Executive Secretary issued a document on National Implementation Measures: Legislation, Privileges and Immunities and Facility Agreements (CTBT/PTS/INF.1204). That document, which remains valid, provides a wide range of detailed information, including on (a) national implementation measures relating to implementation of the CTBT and related non-proliferation measures adopted by States Signatories, (b) the status of arrangements concerning the privileges and immunities of the Preparatory Commission and its officials adopted by States Signatories, (c) facility agreements entered into with States hosting International Monitoring System facilities, (d) reimbursement of taxes and duties paid by the Commission to States Signatories, and (e) the programme of legal assistance of the Provisional Technical Secretariat (PTS). The consolidated Note also addresses requests of Working Group B for information on the influence of national implementation measures on data availability.
- 1.4. The annexes to CTBT/PTS/INF.1204 are updated periodically based on the most recent information provided by States Signatories. This document provides a new update to those annexes, prepared following the decision by WGA at its Sixtieth Session to revert to this item at its Sixty-Second Session (CTBT/PC-57/WGA/1, paragraph 22).

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ANNEX I

**LEGISLATION AND NATIONAL MEASURES
ADOPTED BY STATES SIGNATORIES*
(as of 31 July 2022)**

CTBT RELATED STATUTES, LEGISLATION AND DECREES	
STATE	TITLE OF LEGISLATION
Argentina	National Law No. 25 022 approving the CTBT
Australia	Comprehensive Nuclear Test-Ban Treaty Act 1998 (No. 78 of 1998, as amended) (some sections in force; some awaiting CTBT entry into force)
Austria	Federal Constitutional Act concerning a nuclear-free Austria (1 July 1999)
Belarus	Law No. 384 of 13 May 2000 on ratification of the CTBT
Brazil	Legislative Decree No. 64 of 1998 approving text of the CTBT
Cambodia	Law on the Prohibition of Chemical, Nuclear, Biological and Radiological Weapons of 3 December 2009 Sub Degree on Chemical Substances involved in the Production of Chemical, Nuclear, Biological and Radiological Weapons of 11 March 2011
Canada	Comprehensive Nuclear Test-Ban Treaty Implementation Act of 1998
Colombia	Law 660 of 30 July 2001 approving the CTBT
Cook Islands	Nuclear-Test-Ban Act 2007, including the prohibition of causing, encouraging or participating in any nuclear weapon test explosion or any other nuclear explosion
Costa Rica	Law No. 8094 of 2 March 2001 approving the CTBT Executive Decree No. 29 803
Denmark	Act No. 403 of 2 June 1999 on measures pursuant to the CTBT
Estonia	CTBT Ratification Act 1999
Germany	Statute of 9 July 1998 on the CTBT Implementing Statute of 23 July 1998 on the CTBT
Guatemala	Congress Decree 20-2011 approving the CTBT
Hungary	Government Resolution No. 2087/1999 (5 May) on ratification of the CTBT and designation of the National Authority
Ireland	Nuclear Test Ban Act 2008 (No. 16 of 2008)
Italy	Law No. 484 of 15 December 1998, "Ratification and Implementation of the CTBT, including its Protocols and Annexes, as adopted by the General Assembly of the United Nations on 10 September 1996" Law No. 197 of 24 July 2003, Amendments and Integration to Law No. 484 of 15 December 1998 concerning the CTBT
Mexico	Decree approving the CTBT (Official Gazette of 1 October 1999) Decree promulgating the CTBT (Official Gazette of 27 December 1999)
Mongolia	Law on nuclear-weapon-free status (3 February 2000), including the prohibition on testing or using nuclear weapons Resolution 19 of the State Great Hural of Mongolia on measures to be taken in connection with the adoption of the law on its nuclear-weapon-free status (3 February 2000)

* States Signatories are invited to inform the PTS of corrections and updates to this list by writing to legal.registry@ctbto.org.

STATE	TITLE OF LEGISLATION
New Zealand	New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987, including the prohibition on testing any nuclear explosive device Nuclear-Test-Ban Act 1999
Panama	Law No. 104 of 30 December 1998 approving the CTBT
Qatar	Council of Ministers Decision No. 26 of 2004 on the establishment of a National Weapons-Ban Committee
Russian Federation	Federal Act on Ratification of the CTBT of 2000
Sri Lanka	Atomic Energy Authority Act (No. 19 of 1969), Article 22, provides that neither the authority nor persons shall produce or develop atomic weapons or parts thereof or conduct or cause experimental work to be conducted with the intention that it shall lead to explosive nuclear assemblies for atomic weapons
Sweden	Act SFS 1998: 1702, on inspections under the CTBT Act amending Act (1984:3), on nuclear activities Act SFS 1998: 1703, amending the Criminal Code
Switzerland	Federal Decision on the Comprehensive Nuclear-Test-Ban Treaty adopted by the Swiss Federal Assembly on 18 June 1999
Thailand	Nuclear Energy for Peace Act B.E. 2559 (2016)
United Kingdom	Nuclear Explosions (Prohibition and Inspections) Act 1998

REGULATIONS ON PRIVILEGES AND IMMUNITIES OF THE COMMISSION	
Australia	Preparatory Commission for the [CTBTO] (Privileges and Immunities) Regulations 2000 (Statutory Rules 2000 No 84 as amended) made under the International Organisations (Privileges and Immunities) Act 1963
Austria	Agreement between the Republic of Austria and the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization regarding the seat of the Commission
Canada	Order respecting privileges and immunities in relation to the Preparatory Commission for the CTBTO and its Provisional Technical Secretariat
European Union	EU Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax (exempts the Commission from value added tax by virtue of the Headquarters Agreement concluded with Austria)
New Zealand	Diplomatic Privileges (CTBTO PrepCom) Order 2000 Diplomatic Privileges (CTBTO PrepCom) Amendment Order 2009
Russian Federation	Federal Act on Ratification of the CTBT of 2000, Article 4, granting to the Preparatory Commission until entry into force legal capacity as well as privileges and immunities as are necessary for the independent exercise of functions of the Commission, staff and delegates Decree No. 3913/19n of 24 March 2014
Slovakia	Agreement between the Government of the Slovak Republic and the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization on Mutual Cooperation for Training and Exercise Activities of the Commission related to On-Site Inspections
Sweden	Act SFS 1998:1704, amending Act (1976:661) on privileges and immunities
Thailand	Protection of the Operation of the Comprehensive Nuclear-Test-Ban Treaty Organization Act, B.E. 2561 (2018)
United Kingdom	The Preparatory Commission for the [CTBTO] (Immunities and Privileges) Order No. 1282 of 2004 Scottish Statutory Instruments, Order No. 44 of 11 February 2009

NATIONAL AUTHORITY DECREES	
Belarus	Presidential Decree No. 199 of 19 April 2000 on the implementation by Belarus of its obligations under the CTBT designating the National Authority By-law of the Council of Ministers No. 1170 of 28 July 2000 on the implementation of the CTBT [NDC, budget, staff]
Bulgaria	Council of Ministers Decision of 2003 on the National Authority
Burkina Faso	Ministerial Decree No. 022 of 2009
Cambodia	Royal Decree on the Establishment of the National Authority for the Prohibition of Chemical, Nuclear, Biological and Radioactive Weapons Sub-Decree on the Organization and Functioning of the General Secretariat of the National Authority for the Prohibition of Chemical, Nuclear, Biological and Radiological Weapons
Czech Republic	Government Decision No. 535 of 16 October 1996, designating the National Authority Government Decision No. 883 of 23 December 1998 [budget for Preparatory Commission contribution, costs of AS26, staff]
Finland	Introductory Act 214/2001, enforced by Presidential Decree 213/2001: designating the Ministry of Foreign Affairs of Finland as the National Authority
Hungary	Government Resolution No. 2087/1999 (5 May) on ratification of the CTBT and designation of the National Authority
Iraq	Law No. 48 (2012): Law on the National Monitoring Authority on the Prohibition of Nuclear, Chemical and Biological Weapons
Lithuania	Government resolution of 12 July 1998, designating the National Authority
Madagascar	Ministerial Order No. 5983/99, establishing the National Authority
Malaysia	Cabinet decision of 24 July 1998 designating the Malaysian Institute for Nuclear Technology Research (MINT), presently known as the Malaysian Nuclear Agency (Nuklear Malaysia) as the National Authority
Niger	Decree No 2013-490/PRN, establishing the National Authority
Portugal	Council of Ministers Resolution No. 102/2001, establishing the National Authority
Russian Federation	Decision No. 767 of 12 December 2004, designating the National Authority
Slovakia	Government Resolution 514/1997 of 8 July 1997, designating the National Authority
Ukraine	Presidential Decree, designating the National Authority

NOTE: Other relevant legislation, including provisions prohibiting or criminalizing nuclear explosions, the illicit use of nuclear or radioactive material or weapons of mass destruction, is available in the CTBT Legislation Database on the Legal Resources webpage on the Commission's public website at <http://www.ctbto.org/member-states/legal-resources/>.

ANNEX II

FACILITY AGREEMENTS/ARRANGEMENTS IN FORCE
(as of 31 July 2022)

	State Signatory	Document No. and Date of Issue	United Nations Convention Applies Mutatis Mutandis	Exemption from		
				Direct Taxes	Indirect Taxes (Reimbursement)	Customs Duties
1	Argentina	CTBT/LEG.AGR/24 26 April 2004	X	X	X	X
2	Armenia	CTBT/LEG.AGR/47 29 March 2017	X	X	X	X
3	Australia	CTBT/LEG.AGR/7 25 August 2000	X	X	(granted by regulations)	X
4	Austria	CTBT/LEG.AGR/42 18 September 2013	N/A	X	X	X
5	Canada	CTBT/LEG.AGR/10 12 February 2001	X	X	X	X
6	Central African Republic	CTBT/LEG.AGR/38 2 February 2011	X	X	X	X
7	Cook Islands	CTBT/LEG.AGR/4 30 May 2000	X	X	-	-
8	Czech Republic	CTBT/LEG.AGR/23 10 March 2004	X	X	X	X
9	Finland	CTBT/LEG.AGR/5 8 June 2000	X	X	X	X
10	France	CTBT/LEG.AGR/25 17 May 2004	X	X	X	X
11	Guatemala	CTBT/LEG.AGR/29 13 September 2005	X	X	X	X
12	Iceland	CTBT/LEG.AGR/30 6 February 2006	X	X	X	X
13	Israel	CTBT/LEG.AGR/44 6 March 2014	-	X	-	X
14	Jordan	CTBT/LEG.AGR/3 10 February 2000	X	X	X	X
15	Kazakhstan	CTBT/LEG.AGR/35 12 December 2008	X	X	X	X
16	Kenya	CTBT/LEG.AGR/2 10 February 2000	X	X	X	X
17	Kuwait	CTBT/LEG.AGR/46 12 December 2016	X	X	X	X
18	Mauritania	CTBT/LEG.AGR/17 29 September 2003	X	X	X	X
19	Mexico	CTBT/LEG.AGR/40 28 October 2011	X	X	-	X
20	Mongolia	CTBT/LEG.AGR/12 8 August 2001	X	X	X	X
21	Namibia	CTBT/LEG.AGR/36 4 May 2009	X	X	X	X
22	New Zealand	CTBT/LEG.AGR/9 5 January 2001	X	X	-	X
23	Niger	CTBT/LEG.AGR/8 1 December 2000	X	X	-	X

	State Signatory	Document No. and Date of Issue	United Nations Convention Applies Mutatis Mutandis	Exemption from		
				Direct Taxes	Indirect Taxes (Reimbursement)	Customs Duties
24	Norway	CTBT/LEG.AGR/15 19 June 2002	X	X	X	X
25	Palau	CTBT/LEG.AGR/14 14 June 2002	X	X	X	X
26	Panama	CTBT/LEG.AGR/20 19 December 2003	X	X	X	X
27	Paraguay	CTBT/LEG.AGR/31 6 February 2006	X	X	X	X
28	Peru	CTBT/LEG.AGR/16 1 August 2002	X	-	-	-
29	Philippines	CTBT/LEG.AGR/22 10 March 2004	X	X	X	X
30	Romania	CTBT/LEG.AGR/27 4 November 2004	X	X	X	X
31	Russian Federation	CTBT/LEG.AGR/33 16 January 2007	X	X	-	X
32	Senegal	CTBT/LEG.AGR/32 11 April 2006	X	X	-	X
33	South Africa	CTBT/LEG.AGR/1 12 October 1999	X	X	X	X
34	Spain	CTBT/LEG.AGR/21 19 December 2003	United Nations Convention Specialized Agencies	X	X	X
35	Tunisia	CTBT/LEG.AGR/43 19 February 2014	X	X	X	X
36	Turkmenistan	CTBT/LEG.AGR/45 29 January 2016	X	X	X	X
37	Uganda	CTBT/LEG.AGR/41 20 June 2012	X	X	X	X
38	Ukraine	CTBT/LEG.AGR/11 3 May 2001	United Nations Convention Specialized Agencies	X	X	X
39	United Kingdom	CTBT/LEG.AGR/26 15 September 2004	X	X	X	X
40	United Republic of Tanzania	CTBT/LEG.AGR/34 19 December 2007	X	X	X	X
41	Zambia	CTBT/LEG.AGR/13 4 February 2002	X	X	X	X

ANNEX III

OVERVIEW OF TAXES AND DUTIES PAID TO STATES SIGNATORIES

1. The Commission adopted the 2022-2023 Programme and Budget at its Fifty-Seventh Session (CTBT/PC-57/2, paragraph 26).
2. As of 31 December 2021, the Commission had paid a cumulative total of US\$6 750 475 in taxes and customs duties over the period of 1998 to 2021. The 2020-2021 Programme and Budget Performance Report (CTBT/PTS/INF.1619/Volume 2, page 207) presents the following information on disbursements for taxes and customs duties:

Year	US Dollars
1998	5 780
1999	152 520
2000	58 143
2001	151 768
2002	271 921
2003	192 839
2004	245 799
2005	750 946
2006	288 335
2007	331 405
2008	295 116
2009	218 381
2010	295 435
2011	304 765
2012	321 065
2013	637 000
2014	336 913
2015	232 808
2016-2017	606 211
2018-2019	549 031
2020-2021	504 294
Total	6 750 475

3. In view of the adoption of the 2022-2023 Programme and Budget, the information above will be updated when the Programme and Budget Performance Report for the biennium becomes available.
4. Certain States continue to levy taxes and customs duties on the Commission. Since 2010, the Provisional Technical Secretariat (PTS) has routinely sent letters to States Signatories requesting the reimbursement of taxes or customs duties paid to their national tax authorities during the previous year. This practice is accepted by the External Auditor (CTBT/PTS/INF.1351, Annex 1, Settled Recommendation 2012-3).
5. Consultations with States Signatories have helped to clarify the nature of taxes paid by the Commission and to identify the national procedures for reimbursement or alternative

mechanisms to exempt the Commission. In some cases, the PTS has been informed that there is no legal basis for the reimbursement of taxes. The PTS offers States Signatories its assistance in developing the legislative or administrative measures required to secure exemptions from taxes and customs duties for the Commission.

ANNEX IV

**PROVISIONAL TECHNICAL SECRETARIAT
PROGRAMME OF LEGAL ASSISTANCE**

1. In accordance with paragraph 18 of the Annex to the Resolution establishing the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization, the Provisional Technical Secretariat (PTS) provides the following programme of legal assistance to States Signatures:
 - (a) **Bilateral assistance:** States wishing to consult with the PTS on the subject of national implementation measures are encouraged to contact the Legal Services Section in the Legal and External Relations Division by email at legal.registry@ctbto.org or by phone at +43 1 26030 6107. On request, the PTS can provide comments on draft legislation and other related assistance.
 - (b) **Training courses, workshops and presentations:** The PTS routinely delivers presentations on aspects of national implementation at workshops, seminars, training courses, external events and academic lectures, both in-person and online. The PTS also holds workshops on national implementation measures within the framework of public policy courses. The aim of these activities is to provide States with tools for national self-assessment and legislative drafting assistance and to facilitate the exchange of information on legislation for the implementation of the Treaty.
 - (c) **Resources available on the public website of the Commission:** The Legal Resources web page on the Commission's public website is a one-stop shop for relevant legal instruments, reference material and documentary tools to facilitate the exchange of information on legal measures for the implementation of the Treaty. The resources listed below are available from the Legal Resources web page at <http://www.ctbto.org/member-states/legal-resources>:

Document	Description	Languages
Signature and Ratification Guide		English, French and Spanish
Background Information for Parliamentarians on the CTBT		Arabic, English, French and Spanish
Guide to CTBT National Implementation Measures	Includes different formats for model legislation	Arabic, Chinese, English, French, Russian and Spanish
CTBT Legislation Database	Includes national legislation related to implementation of the CTBT and other relevant nuclear legislation	English
CTBT Legislation Questionnaire	Developed to facilitate the assessment of national measures that may be required for the implementation of the CTBT	Arabic, Chinese, English, French, Russian and Spanish

Document	Description	Languages
Commentary on National Implementation Measures for On-Site Inspections under the CTBT		Arabic, Chinese, English, French, Russian and Spanish
Model Facility Agreement	Includes text of the model facility agreement approved by the Commission and background information	English (other languages upon request)