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

**Note by the Executive Secretary**

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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. This Note provides a new update to those annexes. It was prepared following the decision by Working Group A at its Fifty-Eight Session to revert to this item at its Sixtieth Session (CTBT/PC-55/WGA/1, paragraph 35). The substantive discussion contained in CTBT/PTS/INF.1204 remains valid.

### **Summary**

CTBT/PTS/INF.1204 was initially prepared at the request of Working Group A (CTBT/PC-35/WGA/1). It provides a discussion of: (1) legislation and other national measures adopted by States Signatories, (2) facility agreements and arrangements, (3) taxes and duties paid to States Signatories by the Preparatory Commission, and (4) the Provisional Technical Secretariat programme of legal assistance. It also addresses the requests of Working Group B for information on the influence of national implementation measures on data availability (CTBT/PC-35/WGB/1, paragraph 82, CTBT/PC-36/WGB/1, paragraph 74, and CTBT/PC-37/WGB/1, paragraph 76). The updated annexes to CTBT/PTS/INF.1204 contained in this document reflect the latest statistics and information on the above four topics.

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## ANNEX I

**LEGISLATION AND NATIONAL MEASURES  
ADOPTED BY STATES SIGNATORIES\*  
(as of 31 August 2021)**

State	Title of Legislation
<b>CTBT RELATED STATUTES, LEGISLATION AND DECREES</b>	
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 the text of the CTBT
Cambodia	Law on the Prohibition of Chemical, Nuclear, Biological and Radiological Weapons
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
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 the 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)
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

\* States Signatories are invited to inform the Provisional Technical Secretariat of corrections and updates to this list by writing to [legal.registry@ctbto.org](mailto:legal.registry@ctbto.org).

<b>State</b>	<b>Title of Legislation</b>
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 Act SFS 1998: 1704, amending Act (1976:661) on privileges and immunities
Switzerland	Federal Decision on the Comprehensive Nuclear-Test-Ban Treaty adopted by the Swiss Federal Assembly on 18 June 1999
United Kingdom	Nuclear Explosions (Prohibition and Inspections) Act 1998
<b>REGULATIONS ON PRIVILEGES AND IMMUNITIES OF THE COMMISSION</b>	
Australia	Preparatory Commission for the [CTBTO] (Privileges and Immunities) Regulations 2000 and Amendment 2004 (No. 1)
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. 2872/36n of 29 February 2012
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
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
<b>NATIONAL AUTHORITY DECREES</b>	
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]
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
Niger	Decree No 2013-490/PRN, establishing National Authority
Portugal	Council of Ministers Resolution No. 102/2001, establishing the National Authority

<b>State</b>	<b>Title of Legislation</b>
Russian Federation	Decision No. 733 of 18 October 2001, designating the National Authority
Slovakia	Government Resolution 514/1997 of 8 July 1997, designating the National Authority
Ukraine	Presidential Decree, designating the National Authority

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 web page, <http://www.ctbto.org/member-states/legal-resources/>.

## ANNEX II

**FACILITY AGREEMENTS/ARRANGEMENTS IN FORCE**  
(as of 31 August 2021)

	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 2020-2021 Programme and Budget at its Fifty-Third Session (CTBT/PC-53/2/Rev.1, paragraph 28).
2. As of 31 December 2019, the Preparatory Commission had paid a cumulative total of US\$6 246 181 in taxes and customs duties over the period 1998-2019. The 2018-2019 Programme and Budget Performance Report (CTBT/PTS/INF.1540, page 356) 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
<b>Total</b>	<b>6 246 181</b>

3. In view of the adoption of the 2020-2021 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). The Commission obtained reimbursement from three States Signatories during the 2018-2019 biennium.



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, 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. **Bilateral assistance:** States that wish to consult with the Provisional Technical Secretariat (PTS) on the subject of national implementation measures are encouraged to contact the Legal Registry (*legal.registry@ctbto.org*; telephone +43 1 26030 6107). On request, the PTS can provide comments on draft legislation and other related assistance.
2. **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. The PTS has held workshops on national implementation measures since 2011 within the framework of public policy courses. The aim of these workshops is to provide States with tools for national self-assessment and legislative drafting assistance and to facilitate the exchange of information on legislation to implement the Comprehensive Nuclear-Test-Ban Treaty.
3. **Comprehensive Nuclear-Test-Ban Treaty Organization public web site:** The Legal Resources web page 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 following resources are available from the Legal Resources web page, *<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 nuclear testing and other relevant nuclear legislation	
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
Commentary on National Implementation Measures for On-Site Inspections under the CTBT		Arabic, Chinese, English, French, Russian and Spanish
Model Facility Agreement		English (other languages upon request)