

No. 3498

BELGIUM, CANADA, DENMARK, FRANCE, etc.

Agreement (with annex) between the Parties to the North Atlantic Treaty for co-operation regarding atomic information. Signed at Paris, on 22 June 1955

Official texts: English and French.

Registered by the United Kingdom of Great Britain and Northern Ireland on 29 August 1956.

BELGIQUE, CANADA, DANEMARK, FRANCE, etc.

Accord (avec annexe) entre les États Parties au Traité de l'Atlantique Nord sur la coopération dans le domaine des renseignements atomiques. Signé à Paris, le 22 juin 1955

Textes officiels anglais et français.

Enregistré par le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord le 29 août 1956.

No. 3498. AGREEMENT¹ BETWEEN THE PARTIES TO THE NORTH ATLANTIC TREATY² FOR CO-OPERATION REGARDING ATOMIC INFORMATION. SIGNED AT PARIS, ON 22 JUNE 1955

PREAMBLE

The Parties to the North Atlantic Treaty, signed at Washington on 4th April, 1949,²

Recognising that their mutual security and defence requires that they be prepared to meet the contingencies of atomic warfare, and

Recognising that their common interests will be advanced by making available to the North Atlantic Treaty Organisation information pertinent thereto, and

Taking into consideration the United States Atomic Energy Act of 1954, which was prepared with these purposes in mind,

Acting on their own behalf and on behalf of the North Atlantic Treaty Organisation,

Agree as follows :

Article I

1. While the North Atlantic Treaty Organisation continues to make substantial and material contributions to the common defence efforts, the United States will from time to time make available to the North Atlantic Treaty Organisation, including its civil and military agencies and commands, atomic information which the Government of the United States of America deems necessary to :

- (a) the development of defence plans;
- (b) the training of personnel in the employment of and defence against atomic weapons; and
- (c) the evaluation of the capabilities of potential enemies in the employment of atomic weapons.

¹ Came into force on 29 March 1956, in accordance with article VI. Notifications that they are bound by the terms of the Agreement were received from the following States by the Government of the United States of America on the dates indicated :

Belgium	21 November 1955	Luxembourg	23 July 1955
Canada	30 August 1955	Netherlands	4 January 1956
Denmark	30 November 1955	Norway	6 December 1955
France	14 November 1955	Portugal	2 December 1955
Federal Republic of Germany	6 December 1955	Turkey	29 March 1956
Greece	2 December 1955	United Kingdom of Great Britain and Northern Ireland	21 October 1955
Iceland	16 January 1956	United States of America	28 December 1955
IItaly	23 September 1955		

² United Nations, *Treaty Series*, Vol. 34, p. 243; Vol. 126, p. 350, and Vol. 243, p. 308.

2. As used in this Agreement so far as concerns information provided by the United States, "atomic information" means Restricted Data, as defined in Section 11 *r* of the United States Atomic Energy Act of 1954, which is permitted to be communicated pursuant to the provisions of Section 144 *b* of that Act, and information relating primarily to the military utilisation of atomic weapons which has been removed from the Restricted Data category in accordance with the provisions of Section 142 *d* of the United States Atomic Energy Act of 1954.

3. All transfers by the Government of the United States of America of atomic information will be made in compliance with the provisions of the United States Atomic Energy Act of 1954, and subsequent applicable United States legislation. Under this Agreement there will be no transfers of atomic weapons or special nuclear material, as these terms are defined in Section 11 *d* and Section 11 *t* of the United States Atomic Energy Act of 1954. (The Sections of the United States Atomic Energy Act of 1954 referred to in paragraphs 2 and 3 of this Article are attached.¹)

Article II

1. Atomic information which is transferred to the North Atlantic Treaty Organisation will be made available through the channels now existing for providing classified military information to the North Atlantic Treaty Organisation.

2. Only those persons within the North Atlantic Treaty Organisation whose duties require access to atomic information may be the original recipients of such information. Atomic information will be authorised for dissemination within the North Atlantic Treaty Organisation only to persons whose North Atlantic Treaty Organisation responsibilities require them to have access to such information. Information will not be transferred by the North Atlantic Treaty Organisation to unauthorised persons or beyond the jurisdiction of that Organisation. The Government of the United States of America may stipulate the degree to which any of the categories of information made available by it may be disseminated, may specify the categories of persons who may have access to such information, and may impose such other restrictions on the dissemination of information as it deems necessary.

Article III

1. Atomic information will be accorded full security protection under applicable North Atlantic Treaty Organisation regulations and procedures, and, where applicable, national legislation and regulations. In no case will

¹ See p. 14 of this volume.

recipients maintain security standards for the safeguarding of atomic information lower than those set forth in the pertinent North Atlantic Treaty Organisation security regulations in effect on the date this Agreement comes into force.

Article IV

1. Atomic information which is transferred by the Government of the United States of America pursuant to Article I of this Agreement shall be used exclusively for the preparation of and in implementation of North Atlantic Treaty Organisation defence plans.

2. The North Atlantic Treaty Organisation will from time to time render reports to the Government of the United States of America of the use which has been made of the information. These reports will contain pertinent information requested by the Government of the United States of America and will in particular contain a list of the persons possessing certain categories of information, in accordance with the provisions of paragraph 2 of Article II, and a list of the documents which have been transferred.

Article V

1. The Parties to the North Atlantic Treaty, other than the United States, will, to the extent that they deem necessary, make available to the North Atlantic Treaty Organisation information in the same categories as may be made available by the United States under Article I of this Agreement. Any such information will be supplied on the same or similar conditions as those which apply under this Agreement with respect to the United States.

Article VI

1. The Agreement shall enter into force upon notification to the United States by all Parties to the North Atlantic Treaty that they are bound by the terms of the Agreement.

2. If any other State becomes a Party to the North Atlantic Treaty no information made available to the North Atlantic Treaty Organisation under this Agreement will be provided to any person who is a national of, or who is employed by, the new Party to the North Atlantic Treaty until the new Party has notified the Government of the United States of America that it is bound by the terms of this Agreement, and, upon such notification, this Agreement will enter into force for the new Party.

3. The Government of the United States of America will inform all Parties to the North Atlantic Treaty of the entry into force of this Agreement

under paragraph 1 of this Article and of each notification received under paragraph 2 of this Article.

4. This Agreement shall be valid as long as the North Atlantic Treaty is in force.

IN WITNESS WHEREOF the undersigned Representatives have signed the present Agreement on behalf of their respective States, members of the North Atlantic Treaty Organisation, and on behalf of the North Atlantic Treaty Organisation.

DONE at Paris this 22nd day of June, 1955, in the English and French languages, both texts being equally authoritative, in a single original which shall be deposited in the Archives of the Government of the United States of America. The Government of the United States of America shall transmit certified copies thereof to all the signatory and acceding States.

For the Kingdom of Belgium : Pour le Royaume de Belgique :

André DE STAERCKE

For Canada : Pour le Canada :

L. D. WILGRESS

For the Kingdom of Denmark : Pour le Royaume de Danemark :

Anton VESTBIRK

For France : Pour la France :

Alexandre PARODI

For the Federal Republic of Ger- Pour la République Fédérale d'Alle-
many : magne :

Herbert BLANKENHORN

For the Kingdom of Greece : Pour le Royaume de Grèce :

D. NICOLAREIZIS

For Iceland : Pour l'Islande :

Hoerdur HELGASON

For Italy : Pour l'Italie :

Adolfo ALESSANDRINI

For the Grand-Duchy of Luxembourg :

Pour le Grand-Duché de Luxembourg :

N. HOMMEL

For the Kingdom of the Netherlands : Pour le Royaume des Pays-Bas :

A. W. L. TJARDA VAN STARKENBORGH S.

For the Kingdom of Norway :

Pour le Royaume de Norvège :

Arne GUNNENG

For Portugal :

Pour le Portugal :

TOVAR

For Turkey :

Pour la Turquie :

M. A. TINEY

For the United Kingdom of Great Britain and Northern Ireland :

Pour le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord :

Christopher STEEL

For the United States of America :

Pour les États-Unis d'Amérique :

Geo. W. PERKINS

ANNEX

SECTIONS OF THE UNITED STATES ATOMIC ENERGY ACT OF 1954
REFERRED TO IN THE AGREEMENT FOR CO-OPERATION REGARD-
ING ATOMIC INFORMATION*Section 11*

DEFINITIONS

Section 11 d :

“*d.* The term ‘atomic weapon’ means any device utilizing atomic energy exclusive of the means for transporting or propelling the device (where such means is a separable and divisible part of the device), the principal purpose of which is for use as or for development of, a weapon, a weapon prototype, or a weapon test device.”

Section 11 r :

“*r.* The term ‘Restricted Data’ means all data concerning : (1) design, manufacture, or utilization of atomic weapons; (2) the production of special nuclear material; or (3) the use of special nuclear material in the production of energy, but shall not include data declassified or removed from the Restricted Data category pursuant to Section 142.”

Section 11 t :

“*t.* The term ‘special nuclear material’ means (1) plutonium, uranium enriched in the isotope 233 or in the isotope 235, and any other material which the Commission, pursuant to the provisions of section 51, determines to be special nuclear material, but does not include source material; or (2) any material artificially enriched by any of the foregoing, but does not include source material.”

Section 142

CLASSIFICATION AND DECLASSIFICATION OF RESTRICTED DATA

Section 142 d :

“*d.* The Commission shall remove from the Restricted Data category such data as the Commission and the Department of Defense jointly determine relates primarily to the military utilization of atomic weapons and which the Commission and Department of Defense jointly determine can be adequately safeguarded as defense information : provided, however, that no such data so removed from the Restricted Data category shall be transmitted or otherwise made available to any nation or regional defense or-

ganization, while such data remains defense information, except pursuant to an agreement for co-operation entered into in accordance with sub-section 144 b.”

Section 144

INTERNATIONAL CO-OPERATION

Section 144 b :

“b. The President [of the United States of America] may authorize the Department of Defense, with the assistance of the [Atomic Energy] Commission, to co-operate with another nation or with a regional defense organization to which the United States is a party, and to communicate to that nation or organization such Restricted Data as is necessary to :

- “(1) the development of defense plans;
- “(2) the training of personnel in the employment of and defense against atomic weapons; and
- “(3) the evaluation of the capabilities of potential enemies in the employment of atomic weapons,

while such other nation or organization is participating with the United States pursuant to an international arrangement by substantial and material contributions to the mutual defense and security :

Provided, however, That no such co-operation shall involve communication of Restricted Data relating to the design or fabrication of atomic weapons except with regard to external characteristics, including size, weight, and shape, yields and effects, and systems employed in the delivery or use thereof but not including any data in these categories unless in the joint judgment of the [Atomic Energy] Commission and the Department of Defense such data will not reveal important information concerning the design or fabrication of the nuclear components of an atomic weapon : And provided further, That the co-operation is undertaken pursuant to an agreement entered into in accordance with Section 123.”