

No. 7165

**INTERNATIONAL ATOMIC ENERGY AGENCY
and
MEXICO**

**Agreement for assistance by the Agency to Mexico in establishing a research reactor project (with annexes).
Signed at Vienna, on 18 December 1963**

Official texts: English and Spanish.

Registered by the International Atomic Energy Agency on 10 March 1964.

**AGENCE INTERNATIONALE DE L'ÉNERGIE ATOMIQUE
et
MEXIQUE**

Accord relatif à l'aide de l'Agence au Mexique pour un réacteur de recherche (avec annexes). Signé à Vienne, le 18 décembre 1963

Textes officiels anglais et espagnol.

Enregistré par l'Agence internationale de l'énergie atomique le 10 mars 1964.

No. 7165. AGREEMENT¹ BETWEEN THE INTERNATIONAL ATOMIC ENERGY AGENCY AND THE GOVERNMENT OF THE UNITED MEXICAN STATES FOR ASSISTANCE BY THE AGENCY TO MEXICO IN ESTABLISHING A RESEARCH REACTOR PROJECT. SIGNED AT VIENNA, ON 18 DECEMBER 1963

WHEREAS the Government of the United Mexican States (hereinafter called "Mexico"), desiring to establish a project for research on, and development and practical application of, atomic energy for peaceful purposes, has requested the assistance of the International Atomic Energy Agency (hereinafter called the "Agency") in securing a training and research reactor which Mexico desires to purchase from a particular manufacturer in the United States of America (hereinafter called the "Manufacturer"), and in securing the special fissionable material necessary for that reactor ;

WHEREAS the Board of Governors of the Agency approved the project on 4 December 1963 ;

WHEREAS the Agency and the Government of the United States of America (hereinafter called the "United States") on 11 May 1959² concluded an Agreement for Co-operation (hereinafter called the "Co-operation Agreement"), under which the United States undertook to make available to the Agency pursuant to its Statute³ certain quantities of special fissionable material, and also undertook, subject to various applicable provisions and licence requirements, to permit, upon request of the Agency, persons under the jurisdiction of the United States to make arrangements to transfer and export materials, equipment or facilities for a Member of the Agency in connection with an Agency project ; and

WHEREAS the Agency, Mexico and the United States Atomic Energy Commission acting on behalf of the United States are this day concluding a contract for the transfer of enriched uranium for the research reactor⁴ (hereinafter called the "Supply Agreement") ;

¹ Came into force on 18 December 1963, upon signature, in accordance with article XI, Section 15.

² United Nations, *Treaty Series*, Vol. 339, p. 359.

³ See footnote 2, p. 336 of this volume.

⁴ See p. 383 of this volume.

NOW THEREFORE the Agency and Mexico hereby agree as follows :

Article I

DEFINITION OF THE PROJECT

Section 1. The project to which this Agreement relates is the establishment of a one-megawatt Triga Mark III training and research reactor (hereinafter called the "reactor") and its associated facilities, to be operated by the Mexican National Nuclear Energy Commission by Salazar, State of Mexico.

Article II

SUPPLY OF REACTOR AND SPECIAL FISSIONABLE MATERIAL

Section 2. The Agency, pursuant to Article IV of the Co-operation Agreement, shall request the United States to permit the transfer and export to Mexico of the reactor, together with components and spare parts, manufactured in accordance with a contract between Mexico and the Manufacturer.

Section 3. The Agency hereby allocates to the project described in Article I, and provides to Mexico enriched uranium (hereinafter called the "supplied material") pursuant to the terms of the Supply Agreement, which constitutes an integral part of this Agreement to the extent that it creates rights and obligations between the Agency and Mexico.

Article III

SHIPMENT OF THE SUPPLIED MATERIAL

Section 4. Any part of the supplied material the shipment of which is arranged by Mexico while the material is in its possession shall be entrusted to a licensed public carrier selected by Mexico or shall be accompanied by a responsible person designated by Mexico.

Article IV

AGENCY SAFEGUARDS AGAINST DIVERSION

Section 5. Mexico agrees that the reactor and the supplied material, and any special fissionable material produced by their use, shall not be used in such a way as to further any military purpose.

Section 6. It is hereby agreed and specified that the rights and responsibilities provided for in paragraph A of Article XII of the Statute of the Agency are relevant to the project, provided that sub-paragraphs 1, 3, 4 and 6 of that paragraph shall be implemented in accordance with Annex A to this Agreement.

Article V

HEALTH AND SAFETY MEASURES

Section 7. The health and safety measures specified in Annex B shall be applied to the project.

Article VI

CHANGES IN THE PROJECT

Section 8. Should Mexico desire to use or store the supplied material outside the reactor and its associated facilities, or to use significant amounts of other source or special fissionable material in the reactor, or to process or to arrange for the processing of any supplied or produced material, or to send any such material out of Mexico or to change the design of the reactor or its associated facilities, then Mexico shall inform the Agency sufficiently in advance to permit the Agency to prepare any appropriate safeguards provisions and health and safety measures before the operation in question takes place. Subject to paragraph A of Article XII of the Statute and to any relevant principles that have been or may be established thereunder, such provisions and measures shall be determined by the Board of Governors of the Agency after the Director General of the Agency has consulted with Mexico. Mexico hereby agrees to comply with any provisions and measures thus established and to co-operate with the Agency in their application.

Article VII

AGENCY INSPECTORS

Section 9. The provisions relating to Agency inspectors shall be those set forth in the Annex to Agency document GC(V)/INF/39. In connection with the project to which this Agreement refers, Mexico shall apply the relevant provisions of the Agreement on the Privileges and Immunities of the International Atomic Energy Agency¹ to Agency inspectors and to any property of the Agency used by them in carrying out their functions, it being understood that :

- (a) The Agency shall not be entitled to acquire immovable property in Mexican territory, in view of the property regulation laid down by the Political Constitution of the United Mexican States ; and
- (b) Such inspectors (whether officials or experts) as are of Mexican nationality shall enjoy, in the exercise of their functions in Mexican territory, exclusively those prerogatives included in Section 18 (a), sub-paragraphs (i), (iii), (v) and (vi), and

¹ United Nations, *Treaty Series*, Vol. 374, p. 147 ; Vol. 396, p. 352 ; Vol. 399, p. 296 ; Vol. 412, p. 353 ; Vol. 456, p. 502, and Vol. 463, p. 362.

in Section 23, paragraphs (a), (b), (c), (d) and (f) respectively, of that Agreement, and that the inviolability established in the aforesaid paragraph(c) of Section 23 shall be granted only for official papers and documents.

Article VIII

INFORMATION AND RIGHTS TO INVENTIONS AND DISCOVERIES

Section 10. In conformity with paragraph B of Article VIII of the Statute of the Agency, Mexico shall make available to the Agency without charge all scientific information developed as a result of the assistance extended by the Agency.

Section 11. In view of its degree of participation, the Agency claims no rights in any inventions or discoveries arising from the execution of the project. The Agency may, however, be granted licences under any patents upon terms to be agreed.

Article IX

LANGUAGES

Section 12. Reports and other information should be submitted to the Agency in one of the working languages of the Board of Governors.

Article X

SETTLEMENT OF DISPUTES

Section 13. Any dispute concerning the interpretation or application of this Agreement which is not settled by negotiation or as may otherwise be agreed shall be settled in accordance with Article V of the Supply Agreement.

Section 14. In case of any dispute involving the application of Article IV, V, VI or VII, decisions of the Board of Governors of the Agency shall, if they so provide, immediately be given effect by Mexico pending the conclusion of any consultation, negotiation or arbitration that may be or may have been invoked with regard to the dispute.

Article XI

ENTRY INTO FORCE

Section 15. This Agreement shall enter into force upon signature by or for the Director General of the Agency and by the authorized representative of Mexico.

DONE in Vienna, this 18th day of December 1963, in duplicate in English and Spanish.

For the International Atomic Energy Agency :

(Signed) Sigvard EKLUND

For the Government of the United Mexican States :

(Signed) Manuel CABRERA MACIÁ

A N N E X A

AGENCY SAFEGUARDS AGAINST DIVERSION

A. *General*

1. The project shall be subject to Agency safeguards in accordance with Article XII of the Statute of the Agency, the appropriate provisions of Agency document INFCIRC/26 (hereinafter called the "safeguards document") and Article IV of this Agreement. These safeguards shall be applied in a nominal manner in accordance with paragraph 60 of the safeguards document, as specified in section C below.
2. The reactor facility consists of the reactor and of associated facilities (comprising storing and cooling facilities for the supplied and produced material and ancillary laboratory facilities in which such material is used) to be specified by agreement between the Agency and Mexico.
3. Certain terms employed in this Annex are used as defined in part II of the safeguards document.

B. *Attachment, termination and suspension of Agency safeguards*

4. Agency safeguards shall be attached to :
 - (a) The supplied material, provided that, if Mexico so requests, the portion of the material that is not in excess of the lower limit stated in paragraph 32 (b) of the safeguards document shall be exempted ;
 - (b) The reactor facility, provided that it may be exempted from such attachment after the inspection at initial criticality pursuant to paragraph 36 of the safeguards document ;
 - (c) The special fissionable material produced (in this Annex called the "produced material") either in the portion of the supplied material to which Agency safe-

guards are attached or under the conditions specified in paragraph 33 or 35 of the safeguards document.

5. The attachment of Agency safeguards shall be terminated or suspended in accordance with paragraphs 38 and 39 of the safeguards document.

C. *Application of Agency safeguards*

6. Agency safeguards shall be applied to materials and facilities in accordance with paragraphs 29 and 30 of the safeguards document.

7. Mexico shall arrange for the submission to the Agency of the design and any other data on the reactor facility that the Agency may need in order to fulfil its obligations under paragraph 42 of the safeguards document, to the extent that such information is not already available to the Agency.

8. Mexico shall, in implementing paragraphs 45 and 46 of the safeguards document, arrange for the keeping of records established in accordance with paragraph 44 of that document.

9. Mexico shall, in implementing paragraphs 48 to 53 of the safeguards document, arrange for the submission of routine and special reports established in accordance with paragraph 47 of that document. The routine operating and accounting reports shall be submitted annually; the first report shall be submitted at the time any of the supplied material is first received at the reactor facility.

10. No routine inspections shall be carried out, but special inspections may be made as necessary in accordance with paragraphs 58 and 59 of the safeguards document.

A N N E X B

HEALTH AND SAFETY MEASURES

1. The health and safety measures applicable to the project shall be those set forth in Agency document INFCIRC/18 (hereinafter called the "health and safety document"), as specified below.

2. Mexico shall apply the Agency's Basic Safety Standards and the relevant provisions of the Agency's Regulations for the Safe Transport of Radioactive Materials and shall apply them also as far as possible to any shipment of supplied material outside Mexico and shall endeavour to ensure safety conditions as recommended in the relevant parts of the Agency's codes of practice.

3. Mexico shall arrange for the submission to the Agency, prior to the transport of the supplied material to the port of export, of a detailed health hazards report containing the information specified in paragraph 29 of the health and safety document, with particular

reference to the following types of operations, to the extent that such information is relevant and not yet available to the Agency :

- (a) Receipt and handling of supplied material ;
- (b) Loading of fuel into the reactor ;
- (c) Start-up and pre-operational testing of the reactor ;
- (d) Experimental programme and procedures involving the reactor;
- (e) Unloading of fuel from the reactor ;
- (f) Handling and storage of fuel after unloading.

The transport shall not take place until 60 days after the report is submitted, and until the Agency has determined that the safety measures, as described in the report, are acceptable. The Agency may require further safety measures in accordance with paragraph 30 of the health and safety document. Should Mexico desire to make substantial modifications or additions to the procedures or the operations with respect to which information was submitted, or to proceed to the final closing down of the reactor, it shall submit to the Agency all relevant information as specified in paragraph 29 of the health and safety document in sufficient time to enable the Agency to perform its task in accordance with paragraph 30 of the health and safety document before such modifications, additions or closing down take place.

4. Mexico shall arrange for the submission of the reports specified in paragraph 25 of the health and safety document, the first report to be submitted not later than twelve months after the entry into force of this Agreement. In addition, the reports specified in paragraphs 26 and 27 of the health and safety document shall be submitted.

5. The Agency may inspect the reactor, in accordance with paragraphs 33 to 35 of the health and safety document, at the time of initial start-up, once during the first year of operation, and thereafter not more than once a year, provided that special inspections may be carried out in the circumstances specified in paragraph 32 of that document.

6. Changes may be made in the safety standards and measures specified in this Annex in accordance with paragraphs 38 and 39 of the health and safety document.