

No. 9947

INTERNATIONAL ATOMIC ENERGY AGENCY
and
ARGENTINA

**Project Agreement regarding arrangements for the transfer
of irradiation equipment. Signed at Vienna on
2 and 3 June 1969**

Authentic texts : English and Spanish.

Registered by the International Atomic Energy Agency on 13 October 1969.

AGENCE INTERNATIONALE DE L'ÉNERGIE ATOMIQUE
et
ARGENTINE

**Accord de projet concernant les dispositions à prendre
pour la livraison de matériel d'irradiation. Signé à
Vienne les 2 et 3 juin 1969**

Textes authentiques : anglais et espagnol.

Enregistré par l'Agence internationale de l'énergie atomique le 13 octobre 1969.

PROJECT AGREEMENT¹ BETWEEN THE INTERNATIONAL
ATOMIC ENERGY AGENCY AND THE GOVERNMENT
OF ARGENTINA REGARDING ARRANGEMENTS FOR
THE TRANSFER OF IRRADIATION EQUIPMENT

WHEREAS the Government of the Argentine Republic (hereinafter called "Argentina"), desiring to undertake research projects for peaceful purposes relating to the RA-3 reactor, has requested the assistance of the International Atomic Energy Agency (hereinafter called the "Agency") in securing a low-temperature irradiation loop necessary for such projects;

WHEREAS the Government of the French Republic (hereinafter called "France") has offered to make available to the Agency, free of charge, a low-temperature irradiation loop;

WHEREAS Argentina has informed the Agency that the equipment offered by France would meet its needs;

WHEREAS France has informed the Agency of its readiness, pursuant to a decision by the Board of Governors of the Agency, to deliver that equipment to Argentina; and

WHEREAS the Board of Governors of the Agency approved the project on 25 February 1969 and authorized the Director General to conclude with Argentina a Project Agreement;

NOW THEREFORE the Agency and Argentina hereby agree as follows :

Article I

Section 1. The Agency will facilitate arrangements for the transfer to Argentina of a low-temperature liquid nitrogen irradiation loop (hereinafter called the "supplied equipment").

Section 2. The supplied equipment will be fitted into the Argentine Research Reactor RA-3, which is operated by the Argentine National Nuclear Energy Commission at Ezeiza, near Buenos Aires.

¹ Came into force on 3 June 1969 by signature, in accordance with section 13.

Article II

Section 3. The arrangements for the delivery and installation of the supplied equipment will be made between Argentina and France. These arrangements shall provide :

- (a) That title to the supplied equipment shall pass directly from France to Argentina (or the designated organ of either) upon the dispatch of the supplied equipment from France;
- (b) That the transportation of the supplied equipment from France to Argentina shall be, as far as possible, subject to the Agency's Regulations for the Safe Transport of Radioactive Materials; and
- (c) For the settlement of any disputes between Argentina and France.

Article III

Section 4. Argentina undertakes that the supplied equipment shall not be used in such a way as to further any military purpose.

Article IV

Section 5. The health and safety measures applicable to this project shall be those set forth in Agency document INF/CIRC/18 (hereinafter called the "health and safety document"). Argentina shall apply to operations involving the supplied equipment the Agency's Basic Safety Standards and shall endeavour to ensure safety conditions as recommended in the relevant sections of the Agency's Codes of Practice.

Section 6. Argentina shall submit the reports specified in paragraphs 25 (a), 26 and 27 of the health and safety document.

Section 7. The Agency shall be given the opportunity to carry out an inspection after the supplied equipment has been installed and before it is put into operation, and may also carry out special inspections under the circumstances specified in paragraph 32 of the health and safety document.

Section 8. Argentina shall apply the relevant provisions of the Annex to Agency document GC(V)/INF/39 and of the Agreement on the Privileges and Immunities of the Agency¹ to the Agency's inspectors and to any property used by them in performing their functions.

¹ United Nations, *Treaty Series*, vol. 374, p. 147.

Article V

Section 9. Pursuant to paragraph B of Article VIII of the Statute¹ of the Agency, Argentina shall make available to the Agency without charge all scientific information developed as a result of the assistance extended by the Agency with respect to this project.

Section 10. The Agency does not claim any right in any inventions or discoveries arising from the implementation of the project. The Agency may, however, be granted licences under any patents upon terms to be agreed.

Article VI

Section 11. The Agency shall at no time bear any responsibility for the transfer, the installation, the safe handling or the use of the supplied equipment, or for any defect in the equipment.

Article VII

Section 12. Any dispute arising out of the interpretation or application of this Agreement, which is not settled by negotiation or as may otherwise be agreed, shall be submitted to an arbitral tribunal at the request of either Party. Each Party shall designate an arbitrator, and the two arbitrators so designated shall elect a third, who shall be the Chairman. If within thirty days of the request for arbitration either Party has not designated an arbitrator, or if within thirty days of the designation of the second arbitrator the third arbitrator has not been elected, either Party may request the President of the International Court of Justice to make the relevant appointment. The arbitral tribunal shall make decisions by majority vote. The arbitral procedure shall be established by the tribunal whose decisions, including all rulings concerning its constitution, procedure, jurisdiction and the division of expenses of arbitration between the Parties, shall be binding on the Parties. The remuneration of the arbitrators shall be determined on the same basis as that of ad hoc judges of the International Court of Justice.

Article VIII

Section 13. This Agreement shall enter into force upon signature by or for the Director General of the Agency and by the authorized representative of Argentina.

DONE in duplicate in the English and Spanish languages, the texts in both languages being equally authentic.

For the International
Atomic Energy Agency :

Upendra GOSWAMI
Vienna, 2 June 1969

For the Government
of the Argentine Republic :

Oscar A. QUIHILLALT
Vienna, 3 June 1969
