

No. 12164

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**INTERNATIONAL ATOMIC ENERGY AGENCY,  
AUSTRIA and UNITED STATES OF AMERICA**

**Protocol suspending the Agreement between the International Atomic Energy Agency, the Republic of Austria and the United States of America for the application of safeguards and providing for the application of safeguards pursuant to the Non-Proliferation Treaty. Signed at Vienna on 21 September 1971**

*Authentic text : English.*

*Registered by the International Atomic Energy Agency on 4 December 1972.*

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**AGENCE INTERNATIONALE DE L'ÉNERGIE  
ATOMIQUE,  
AUTRICHE et ÉTATS-UNIS D'AMÉRIQUE**

**Protocole portant suspension de l'Accord entre l'Agence internationale de l'énergie atomique, la République d'Autriche et les États-Unis d'Amérique pour l'application de garanties, et prévoyant l'application de garanties conformément au Traité sur la non-prolifération des armes nucléaires. Signé à Vienne le 21 septembre 1971**

*Texte authentique : anglais.*

*Enregistré par l'Agence internationale de l'énergie atomique le 4 décembre 1972.*

PROTOCOL<sup>1</sup> SUSPENDING THE AGREEMENT BETWEEN THE INTERNATIONAL ATOMIC ENERGY AGENCY, THE REPUBLIC OF AUSTRIA AND THE UNITED STATES OF AMERICA FOR THE APPLICATION OF SAFEGUARDS<sup>2</sup> AND PROVIDING FOR THE APPLICATION OF SAFEGUARDS PURSUANT TO THE NON-PROLIFERATION TREATY<sup>3</sup>

The International Atomic Energy Agency (hereinafter referred to as the "Agency"), the Republic of Austria, and the United States of America;

RECOGNIZING that the Agency has been applying safeguards in accordance with the provisions of the Agreement between the International Atomic Energy Agency, the Republic of Austria, and the United States of America for the application of safeguards signed on 20 August 1969<sup>2</sup> (hereinafter referred to as the "Safeguards Transfer Agreement") to materials, equipment and facilities required to be safeguarded under the Agreement for co-operation between the United States of America and the Republic of Austria concerning civil uses of atomic energy signed on 11 July 1969<sup>4</sup> (hereinafter referred to as the "Agreement for Co-operation") to ensure so far as it is able that they will not be used in such a way as to further any military purpose;

RECOGNIZING that the Republic of Austria, as a non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons<sup>3</sup> (hereinafter referred to as the "Treaty"), has concluded with the Agency an Agreement for the Application of Safeguards<sup>5</sup> (hereinafter referred to as the "Treaty Safeguards Agreement") pursuant to paragraph 1 of article III of the Treaty;

RECOGNIZING that article 23 of the Treaty Safeguards Agreement provides for the suspension of Agency safeguards applied pursuant to other safeguards agreements with the Agency;

RECOGNIZING that under article XI of the Agreement for Co-operation the Government of the Republic of Austria has guaranteed that no source or special nuclear material received by the Government of the Republic of Austria or any person under its jurisdiction from the United States of America, or utilized in, recovered from, or produced in, the items listed in paragraph B (2) of article XII of the Agreement for Co-operation will be employed for any military purpose;

Have agreed:

1. The Treaty Safeguards Agreement shall be applied as therein provided and the Safeguards Transfer Agreement shall be deemed to be suspended during the time and to the extent that the Treaty Safeguards Agreement is in force, and safeguards specified in the Treaty Safeguards Agreement are being applied by the Agency.

2. In the event that the Republic of Austria intends to exercise its discretion in accordance with article 14 of the Treaty Safeguards Agreement to use any nuclear material required to be safeguarded under that Agreement in a military

<sup>1</sup> Came into force on 24 May 1972, i.e. the date on which the Agency received written notification from Austria that its constitutional requirements for entry into force of the Agreement for the application of safeguards (see United Nations, *Treaty Series*, vol. 850, p. 3), and of this Protocol had been met, in accordance with paragraph 3.

<sup>2</sup> United Nations, *Treaty Series*, vol. 798, p. 77.

<sup>3</sup> *Ibid.*, vol. 729, p. 161.

<sup>4</sup> *Ibid.*, vol. 725, p. 183.

<sup>5</sup> *Ibid.*, vol. 850, p. 3.

activity not proscribed by the Treaty, the Government of the Republic of Austria will satisfy the Agency and the Government of the United States of America that such material is not subject to the guarantees made to the Government of the United States of America by the Government of the Republic of Austria in article XI of the Agreement for Co-operation, and that no materials, equipment or facilities transferred from the United States of America to the Republic of Austria under the Agreement for Co-operation are involved in such use.

3. This Protocol shall be signed by or for the Director General of the Agency and by the authorized representatives of the Republic of Austria and of the United States of America and shall enter into force on the date on which the Agency receives from the Republic of Austria written notification that its constitutional requirements for entry into force of the Treaty Safeguards Agreement and of this Protocol have been met.

DONE in Vienna, this 21st day of September 1971, in triplicate in the English language.

For the International Atomic Energy Agency:

SIGVARD EKLUND

For the Republic of Austria:

RUDOLF KIRCHSCHLÄGER

For the United States of America:

T. KEITH GLENNAN