

No. 12532

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

Protocol suspending the Agreement between the International Atomic Energy Agency, the Government of the Kingdom of Denmark and the Government of 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 1 March 1972

Authentic text : English.

Registered by the International Atomic Energy Agency on 22 May 1973.

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

Protocole portant suspension de l'accord entre l'Agence internationale de l'énergie atomique, le Gouvernement du Royaume du Danemark et le Gouvernement des 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 1^{er} mars 1972

Texte authentique : anglais.

Enregistré par l'Agence internationale de l'énergie atomique le 22 mai 1973.

PROTOCOL¹ SUSPENDING THE AGREEMENT BETWEEN THE INTERNATIONAL ATOMIC ENERGY AGENCY, THE GOVERNMENT OF THE KINGDOM OF DENMARK AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA FOR THE APPLICATION OF SAFEGUARDS² AND PROVIDING FOR THE APPLICATION OF SAFEGUARDS PURSUANT TO THE NON-PROLIFERATION TREATY³

The International Atomic Energy Agency (hereinafter referred to as the “Agency”), the Government of the Kingdom of Denmark, and the Government of 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 Government of the Kingdom of Denmark, and the Government of the United States of America for the application of safeguards signed on 29 February 1968² (hereinafter referred to as the “Safeguards Transfer Agreement”) to materials, equipment and facilities required to be safeguarded under the Agreement for Cooperation between the Government of the United States of America and the Government of the Kingdom of Denmark concerning civil uses of atomic energy signed on 25 July 1955, as amended⁴ (hereinafter referred to as the “Agreement for Cooperation”) 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 Government of the Kingdom of Denmark as a non-nuclear-weapon State party to the Treaty on the Non-Proliferation of Nuclear Weapons³ (hereinafter referred to as the “Treaty”) has concluded with the Agency an Agreement for the application of safeguards⁵ (hereinafter referred to as the “Treaty Safeguards Agreement”) pursuant to paragraph 1 of article III of the Treaty;

RECOGNIZING that, if the Kingdom of Denmark should become a Member of the European Communities, the Treaty Safeguards Agreement might be supplanted by an Agreement entered into by the Kingdom of Denmark together

¹ Came into force on 1 March 1972 by signature.

² United Nations, *Treaty Series*, vol. 637, p. 147.

³ *Ibid.*, vol. 729, p. 161.

⁴ *Ibid.*, vol. 235, p. 245, and annex A in volumes 280, 335 and 695.

⁵ See p. 79 of this volume.

with other Member States of the Communities pursuant to article III of the Treaty (hereinafter referred to as the "Supplanting Agreement");

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 VII of the Agreement for Cooperation the Government of the Kingdom of Denmark has guaranteed that no source or special nuclear material received by the Government of the Kingdom of Denmark 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 VI of the Agreement for Cooperation will be employed for any military purpose;

Have agreed :

1. The Treaty Safeguards Agreement or the Supplanting 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, or the Supplanting Agreement, is in force and safeguards specified in the Treaty Safeguards Agreement or the Supplanting Agreement are being applied by the Agency.

2. In the event that the Government of the Kingdom of Denmark intends to exercise its discretion in accordance with article 14 of the Treaty Safeguards Agreement, or a comparable provision in the Supplanting Agreement, to use any nuclear material required to be safeguarded under that Agreement in a military activity not proscribed by the Treaty, the Government of the Kingdom of Denmark 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 Kingdom of Denmark in article VII of the Agreement for Cooperation, and that no materials, equipment or facilities transferred from the United States of America to the Kingdom of Denmark under the Agreement for Cooperation are involved in such use.

DONE in Vienna, this first day of March 1972, in triplicate in the English language.

For the International Atomic Energy Agency :

SIGVARD EKLUND

For the Government of the Kingdom of Denmark :

H. H. KOCH

For the Government of the United States of America :

T. KEITH GLENNAN