

No. 13880

**INTERNATIONAL ATOMIC ENERGY AGENCY
and
ROMANIA**

**Agreement for assistance by the Agency to Romania in
establishing a research reactor project (with annex).
Signed at Vienna on 30 March 1973**

Authentic text: French.

*Registered by the International Atomic Energy Agency on 3 April
1975.*

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

**Accord relatif à l'aide de l'Agence à la Roumanie pour
un réacteur de recherche (avec annexe). Signé à Vienne
le 30 mars 1973**

Texte authentique : français.

*Enregistré par l'Agence internationale de l'énergie atomique le 3 avril
1975.*

[TRANSLATION¹ — TRADUCTION²]AGREEMENT³ BETWEEN THE INTERNATIONAL ATOMIC ENERGY AGENCY AND THE GOVERNMENT OF THE SOCIALIST REPUBLIC OF ROMANIA FOR ASSISTANCE BY THE AGENCY TO ROMANIA IN ESTABLISHING A RESEARCH REACTOR PROJECT

WHEREAS the Government of the Socialist Republic of Romania (hereinafter called "Romania"), 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 Romania desires to purchase from a 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 20 February 1973;

WHEREAS the Agency and the Government of the United States of America (hereinafter called the "United States") on 11 May 1959 concluded an agreement for co-operation (hereinafter called the "Co-operation Agreement"),⁴ under which the United States undertook to make available to the Agency pursuant to its Statute⁵ 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, Romania 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 reactor (hereinafter called the "Supply Agreement");⁶

NOW, THEREFORE, the Agency and Romania hereby agree as follows:

Article I. DEFINITION OF THE PROJECT

Section 1. The project to which this Agreement relates is the establishment of a dual-core TRIGA training and research reactor (hereinafter called the "reactor") and its associated facilities, to be operated by the Romanian Institute for Nuclear Technology near Pitesti.

¹ Translation supplied by the International Atomic Energy Agency.

² Traduction fournie par l'Agence internationale de l'énergie atomique.

³ Came into force on 30 March 1973 by signature, in accordance with article X, section 15.

⁴ United Nations, *Treaty Series*, vol. 339, p. 359.

⁵ *Ibid.*, vol. 276, p. 3, and vol. 471, p. 334.

⁶ See p. 283 of this volume.

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 Romania of the reactor, together with components and spare parts, manufactured in accordance with a contract between Romania and the Manufacturer.

Section 3. The Agency hereby allocates to the project defined in article I, and provides to Romania 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 Romania.

Section 4. It is understood by the Agency and Romania that this Agreement shall apply to any additional supplies of enriched uranium, through the assistance of the Agency, for the project defined in article I.

Article III. SHIPMENT OF THE SUPPLIED MATERIAL

Section 5. Any part of the supplied material, the shipment of which is arranged by Romania while the material is in its possession, shall be entrusted to a licensed public carrier selected by Romania or shall be accompanied by a responsible person designated by Romania.

Article IV. AGENCY SAFEGUARDS

Section 6. Romania undertakes that the reactor and any nuclear material contained, used, produced or processed in or by the use of the reactor shall not be used in such a way as to further any military purpose.

Section 7. It is specified that the safeguards rights and responsibilities of the Agency provided for in paragraph A of article XII of its Statute¹ are relevant to the project, and that their implementation is satisfied by the application of safeguards procedures pursuant to the Agreement between the Socialist Republic of Romania and the International Atomic Energy Agency for the application of safeguards in connection with the Treaty on the Non-Proliferation of Nuclear Weapons, signed on 8 March 1972¹ and which entered into force on 27 October 1972. However, if the said Agreement is terminated, the safeguards rights and responsibilities of the Agency provided for in paragraph A of article XII of its Statute shall be implemented in accordance with arrangements which will supplement this Agreement, which shall be agreed forthwith by the Agency and Romania and shall be based on the then effective Agency's safeguards system applicable to Agency projects including provisions with respect to Agency inspectors; pending agreement on such arrangements, the Agency will apply safeguards in accordance with the procedures provided for in that system.

Article V. HEALTH AND SAFETY MEASURES

Section 8. The health and safety measures specified in the Annex to this Agreement shall be applied to the project.

¹ United Nations, *Treaty Series*, vol. 874, p. 3.

Article VI. AGENCY INSPECTORS

Section 9. The relevant provisions of the Agreement between the Socialist Republic of Romania and the International Atomic Energy Agency for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons shall apply to Agency inspectors performing functions pursuant to this Agreement.

Article VII. INFORMATION AND RIGHTS TO INVENTIONS AND DISCOVERIES

Section 10. In conformity with paragraph B of article VIII of the Statute of the Agency, Romania 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 VIII. LANGUAGES

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

Article IX. 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 the same manner as that described in article 22 of the Agreement between the Socialist Republic of Romania and the International Atomic Energy Agency for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons.

Section 14. Decisions of the Board of Governors of the Agency concerning the implementation of article IV, V or VI shall, if they so provide, be given effect immediately by the Agency and Romania pending the final settlement of any dispute.

Article X. ENTRY INTO FORCE

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

DONE in Vienna, on the thirtieth day of March 1973, in duplicate in the French language.

For the International Atomic Energy Agency:
YURI CHERNILIN

For the Government of the Socialist Republic of Romania:
DUMITRU ANINOIU

A N N E X

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

3. Romania shall arrange for the submission to the Agency, at least 60 days prior to the proposed transfer of any of the supplied material to the jurisdiction of Romania, 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 with the supplied material;
- (d) Experimental programme and procedures involving the reactor;
- (e) Unloading of fuel from the reactor;
- (f) Handling and storage of fuel after unloading.

The transfer shall not take place 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 Romania desire to make substantial modifications to the procedures with respect to which information was submitted, or to perform any operations with the reactor (including finally closing it down) or with the supplied material as to which operation no such information was submitted, 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 Document, before such modified procedures or additional operations are carried out.

4. Romania 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 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 with the supplied material, 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 the Document.

6. Changes may be made in the safety standards and measures laid down in this annex, in accordance with paragraphs 38 and 39 of the Health and Safety Document.