

No. 15015

**BRAZIL
and
FEDERAL REPUBLIC OF GERMANY**

Agreement on co-operation in the peaceful uses of nuclear energy (with exchange of notes). Signed at Bonn on 27 June 1975

Authentic texts: Portuguese and German.

Registered by Brazil on 10 September 1976.

**BRÉSIL
et
RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE**

Accord de coopération concernant l'utilisation de l'énergie nucléaire à des fins pacifiques (avec échange de notes). Signé à Bonn le 27 juin 1975

Textes authentiques : portugais et allemand.

Enregistré par le Brésil le 10 septembre 1976.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE FEDERATIVE REPUBLIC OF BRAZIL AND THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY ON CO-OPERATION IN THE PEACEFUL USES OF NUCLEAR ENERGY

The Government of the Federative Republic of Brazil and the Government of the Federal Republic of Germany,

On the basis of the friendly relations existing between their two countries and desiring to strengthen those relations,

Taking into account and pursuant to the General Agreement concerning co-operation in scientific research and technological development concluded between the Contracting Parties on 9 June 1969,²

Considering the Agreement between the Government of the Federative Republic of Brazil and the European Atomic Energy Community for co-operation in the peaceful uses of atomic energy of 9 June 1961,³

Considering the progress achieved in scientific co-operation between their two countries, particularly in the peaceful uses of nuclear energy,

Convinced that the success already achieved in scientific co-operation between their countries in the peaceful uses of nuclear energy creates conditions favourable to industrial co-operation in this sector,

Aware that such co-operation will be to the economic and scientific advantage of the two Contracting Parties,

Bearing in mind the 3 October 1974 guidelines for industrial co-operation between the Federative Republic of Brazil and the Federal Republic of Germany in the peaceful uses of nuclear energy,

Have agreed as follows:

Article I. 1. Within the framework of this Agreement, the Contracting Parties shall promote co-operation between scientific and technological research institutions and enterprises in the two countries in the following fields:

- prospecting for, extracting and processing of uranium ores and the production of uranium compounds;
- production of nuclear reactors and other nuclear installations, and their components;
- uranium enrichment and enrichment services;
- production of fuel elements and reprocessing of irradiated fuels.

2. The above-mentioned co-operation shall include the exchange of necessary technological information.

¹ Came into force on 18 November 1975 by an exchange of notes to that effect, in accordance with article XI (1).

² United Nations, *Treaty Series*, vol. 833, p. 151.

³ *Ibid.*, vol. 875, p. 25.

3. In view of the importance of financing, including the granting of loans, for the above-mentioned co-operation, the Contracting Parties shall endeavour to ensure that, in accordance with the provisions in force in the two countries, financing and loan transactions are effected on the best possible terms.

Article II. The Contracting Parties shall declare their support for the principle of the non-proliferation of nuclear weapons.

Article III. 1. At the request of an exporter, each of the Contracting Parties shall grant, pursuant to their relevant legislation in force, export licences for the supply of special fertile and fissile material, for equipment or materials intended or prepared for the production, use or processing of special fissile material, and for the transmittal of the corresponding technological information to the territory of the other Contracting Party.

2. A prerequisite for such supply or transmittal shall be that the importing Contracting Party has concluded a safeguards agreement with the International Atomic Energy Agency guaranteeing that the said nuclear materials, equipment and installations, the special fertile or fissile material produced, processed or used in them, and the corresponding technological information will not be used for nuclear weapons or other nuclear explosives.

Article IV. 1. Nuclear materials, equipment and installations exported and corresponding technological information transmitted from the territory of one Contracting Party to the territory of the other Contracting Party may not be exported, re-exported or transmitted from the territories of the Contracting Parties to third countries which, as of 1 January 1967, did not possess nuclear weapons unless the importing country has concluded a safeguards agreement as provided for in article III.

2. Sensitive nuclear materials, equipment and installations exported and corresponding technological information transmitted from the territory of one Contracting Party to the territory of the other Party may not be exported, re-exported or transmitted to third countries without the consent of the supplying Contracting Party.

3. Sensitive nuclear materials, equipment and installations shall mean:

- (a) uranium enriched with more than 20 per cent (20%) uranium-235, uranium-233 or plutonium, except for minute quantities of these materials required, for instance for laboratory purposes;
- (b) plants for the production of fuel elements, when they are used to produce fuel elements containing material referred to in sub-paragraph (a);
- (c) plants for the reprocessing of irradiated fuels;
- (d) uranium enrichment plants.

Article V. 1. Each Contracting Party shall take the necessary steps to ensure the physical protection of nuclear materials, equipment and installations in its territory and during their transport between the territories of the Contracting Parties and to third countries.

2. These steps shall be such as to prevent, as far as possible, injury, accidents, theft, sabotage, robbery, diversion, damage, substitution and other risks.

3. The Contracting Parties shall agree on the steps required for the above purposes.

Article VI. The Mixed Commission established by the General Agreement concerning co-operation in scientific research and technological development shall take due account of the activities provided for in this Agreement and shall, if necessary, make proposals on procedures for its implementation.

Article VII. At the request of either one of them, the Contracting Parties shall enter into consultations concerning the implementation of this Agreement and, if necessary, into negotiations for its revision.

Article VIII. 1. The Contracting Parties shall endeavour to resolve any disputes concerning the interpretation of this Agreement through the diplomatic channel.

2. If disputes cannot be resolved in this manner, the arbitration procedure provided for in article 10 of the Treaty concerning the entry of nuclear ships into Brazilian waters and their stay in Brazilian ports, concluded between the Contracting Parties on 7 June 1972,¹ shall apply.

Article IX. The obligations of the Federal Republic of Germany deriving from the treaties establishing the European Economic Community² and the European Atomic Energy Community³ shall not be affected by this Agreement.

Article X. This Agreement shall also apply to *Land Berlin*, unless the Government of the Federal Republic of Germany submits a declaration to the contrary to the Government of the Federative Republic of Brazil within three months of its entry into force.

Article XI. 1. This Agreement shall enter into force, by means of an exchange of notes, as soon as possible.

2. This Agreement shall remain in force for a period of fifteen years from the date specified in the notes exchanged in accordance with paragraph 1 above, and shall be renewed by tacit agreement for periods of five years unless it is denounced by one of the Contracting Parties at least twelve months before its expiry.

3. The measures regarding safeguards and physical protection required under this Agreement shall not be affected by its expiry.

DONE at Bonn, on 27 June 1975, in two original copies in the Portuguese and German languages, both texts being equally authentic.

For the Federative Republic
of Brazil:

ANTÔNIO F. AZEREDO DA SILVEIRA

For the Federal Republic
of Germany:

HANS-DIETRICH GENSCHER

¹ United Nations, *Treaty Series*, vol. 966, p. 183.

² *Ibid.*, vol. 298, p. 3.

³ *Ibid.*, p. 167.

EXCHANGE OF NOTES

I

Bonn, 27 June 1975

Sir,

With reference to the Agreement on co-operation in the peaceful uses of nuclear energy signed today between our two Governments, I have the honour to propose, on behalf of the Government of the Federal Republic of Germany, the following supplementary agreement to that Agreement:

In connexion with the transport of persons or goods in pursuance of the Agreement, neither Contracting Party shall exclude or impede the participation, with equal rights, of regular transport enterprises of the other Contracting Party and shall, when necessary, grant authorization for such transport.

If the Government of the Federative Republic of Brazil concurs with this proposal, I have the honour to propose that this Note and your reply indicating your Government's agreement shall constitute an agreement between our two Governments, which shall enter into force on the same date as the Agreement on co-operation and form an integral part thereof.

Accept, Sir, etc.

HANS-DIETRICH GENSCHER

The Minister for Foreign affairs
of the Federative Republic of Brazil
Antônio F. Azeredo da Silveira
Bonn

II

Bonn, 27 June 1975

Sir,

I acknowledge receipt of your Note dated 27 June 1975, the text of which is as follows:

[See note I]

In reply, I have the honour to inform you that the Brazilian Government agrees to the terms of the above Note.

Accept, Sir, etc.

ANTÔNIO F. AZEREDO DA SILVEIRA
Minister for Foreign Affairs

His Excellency Mr. Hans-Dietrich Genscher
Minister for Foreign Affairs
of the Federal Republic of Germany