

No. 21528

**FRANCE
and
BANGLADESH**

**Agreement of co-operation for the utilization of nuclear
energy for peaceful purposes. Signed at Paris on
29 August 1980**

Authentic texts: French, Bengali and English.

Registered by France on 18 January 1983.

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et
BANGLADESH**

**Accord de coopération pour l'utilisation de l'énergie nu-
cléaire à des fins pacifiques. Signé à Paris le 29 août
1980**

Textes authentiques : français, bengali et anglais.

Enregistré par la France le 18 janvier 1983.

AGREEMENT¹ OF CO-OPERATION BETWEEN THE GOVERNMENT OF THE FRENCH REPUBLIC AND THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH FOR THE UTILIZATION OF NUCLEAR ENERGY FOR PEACEFUL PURPOSES

The Government of the French Republic and the Government of the People's Republic of Bangladesh, hereinafter referred to as the Contracting Parties,

Desirous to develop the friendly relations which exist between the two countries,

Considering the importance they attach to the development of the peaceful uses of nuclear energy,

Expressing their intention to broaden and to strengthen their co-operation in this field,

Have agreed as follows:

Article I. The Contracting Parties pledge, within the limits of their respective programmes, to develop their co-operation in the peaceful uses of nuclear energy both concerning fundamental or applied research and for the design, development and fabrication of equipment on the industrial scale.

Article II. In pursuance of the provisions of Article I hereabove:

- Agreements shall be entered into by the competent authorities of the Contracting Parties or any organization designated by the said authorities to define the programmes and the modalities of the exchanges;
- Contracts shall be negotiated for the establishment of industrial complexes for furnishing of materials, nuclear materials, equipment or installations and of supplementary services.

Article III. The agreements provided in Article II hereabove:

- Shall define research programmes of common interest for a definite period;
- Shall organize the exchange of scientific and technical documentation between the two countries;
- Shall specify the general modalities for the exchange of personnel, visits, expert meetings and for receiving trainees.

Article IV. Without prejudice to the clauses of Articles VIII to XI hereafter, the contracts envisaged in Article II hereabove:

- Shall determine the modalities of industrial operations which will be carried out by the citizens of one of the Contracting Parties on the territory of the other;
- Shall settle the conditions for advice and assistance from one Contracting Party to the other;

¹ Came into force on 29 August 1980 by signature, in accordance with article XVI.

— And shall define the conditions between the Contracting Parties for the supply of materials, nuclear materials, equipment and installations meant for the peaceful uses of nuclear energy.

Article V. The Contracting Parties:

a) Guarantee the security and preserve the confidential nature of technical documents and information exchanged. To this effect, the documents and information exchanged are not communicated to a third, public or private party, without obtaining the prior written authorization from the party having furnished the documents or the information;

b) Are not under the obligation to transmit or to supply a third public or private party the information, documentation or equipment of confidential nature for which the transmitting or supply has not been foreseen in the agreements or contracts mentioned in Articles II, III and IV hereabove;

c) Can transmit or supply between themselves only the information, documentation or equipment at their free disposal.

Article VI. The Contracting Parties shall take all administrative measures within their jurisdictions, especially fiscal and customs measures, necessary for the satisfactory implementation of this Agreement as well as conventions, protocols and contracts, which shall be entered into in order to ensure its application.

Article VII. The Contracting Parties shall settle by means of specific agreements the questions pertaining to expenses and other expenditure which may result from the implementation of the present Agreement.

Article VIII. Without prejudice to the clauses of Articles IX and X hereafter, the Contracting Parties undertake that the materials, the nuclear materials, equipment and installations supplied or exchanged under the present Agreement as well as the nuclear materials produced or obtained with the help of these materials, nuclear materials, equipment and installations:

a) Shall not be utilized in such a way as to be used for military purposes or for making nuclear explosive devices by a State which has not made or exploded such a device before January 1, 1967;

b) Shall be subject to the control of the International Atomic Energy Agency (IAEA) on the territory of such a State.

Article IX. In the case of the supply of materials, nuclear materials, equipment, installation or technological information presenting—in the opinion of the Contracting Party which furnishes them—particular risks, this supply will be subject to special conditions which ensure the respect of obligations fixed in Article VIII.

These conditions will be previously determined by mutual agreement.

Article X. Each Contracting Party undertakes that:

— The materials, nuclear materials, equipment and installations mentioned in Article VIII,

— The equipment and installations produced from or with the aid of equipment, installations and technological information supplied or exchanged in the framework of the present Agreement,

are not transferred or retransferred to whomsoever in the territory of a State that has not produced or exploded a nuclear device before 1st January 1967, without having obtained the same commitments as those figuring in Article VIII.

Article XI. Each of the two Contracting Parties takes, on its territory as well as in the case of transport outside its metropolitan territory, the necessary measures to ensure the physical safety of materials, nuclear materials, equipment and nuclear installations which are the subject of the present Agreement.

Nevertheless, the two Contracting Parties determine by mutual agreement the level of physical protection on the basis of which the said measures must be adopted.

Article XII. In order to ensure the execution of the obligations resulting from Articles VIII, IX and X of the present Agreement, the Contracting Parties undertake to conclude with IAEA a tripartite agreement for the application of the safeguards of the Agency.

The Contracting Parties may nevertheless suspend by mutual agreement the execution of this undertaking provided that the safeguards referred to in the last paragraph of Article VIII are already being implemented under a safeguards agreement concluded with the IAEA.

Article XIII. None of the clauses of the present Agreement may be interpreted as contravening to the obligations which, at the date of the signature of the present Agreement, result from the participation of one or of the other Contracting Party to other international agreements for the utilization of nuclear energy for peaceful purposes, especially for the French party, from its participation in the Euratom treaty.¹

Article XIV. Representatives of the Contracting Parties shall meet when it is felt necessary, in order to consult each other on questions arising from the application of the present Agreement.

Article XV. The present Agreement may be modified by mutual agreement between the Contracting Parties at the request of one of them. The modifications thus decided shall come into force after fulfilment of the constitutional procedures applicable in each of the two States.

Article XVI. The present Agreement shall enter into force upon signature by the representatives of both the Governments and shall remain in force for a period of ten years which may be extended by mutual agreement.

This Agreement may be terminated by either Contracting Party upon six months' notice in writing to the other Party.

Article XVII. In case of non-renewal or termination of the present Agreement, the contracts and agreements signed under Article II shall remain in force as long as they are not denounced. The clauses of Articles VIII, IX, X and XI shall continue in any case to apply to materials, nuclear materials, equipment and installations supplied under these contracts and agreements, during the entire period of their utilization specified in the safeguards agreements signed between the two Contracting Parties and IAEA.

¹ United Nations, *Treaty Series*, vol. 294, p. 259.

IN WITNESS WHEREOF, the undersigned, duly authorized to this effect by their respective Governments, have signed the present Agreement.

DONE in Paris, on the 29th of August, 1980, in three copies in French, Bengali and English languages, all three copies being equally authentic.

For the Government
of the French Republic:

[Signed]

JEAN FRANÇOIS-PONCET

For the Government
of the People's Republic of Bangladesh:

[Signed]

MUHAMMAD SHAMSUL HUQ