

No. 22424

**FEDERAL REPUBLIC OF GERMANY
and
EGYPT**

**Agreement for co-operation concerning peaceful uses of
nuclear energy. Signed at Bonn on 26 October 1981**

Authentic texts: German, Arabic and English.

Registered by the Federal Republic of Germany on 31 October 1983.

**RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE
et
ÉGYPTE**

**Accord de coopération relatif à l'utilisation de l'énergie
nucléaire à des fins pacifiques. Signé à Bonn le
26 octobre 1981**

Textes authentiques: allemand, arabe et anglais.

Enregistré par la République fédérale d'Allemagne le 31 octobre 1983.

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY AND THE GOVERN- MENT OF THE ARAB REPUBLIC OF EGYPT FOR CO- OPERATION CONCERNING PEACEFUL USES OF NUCLEAR ENERGY

The Government of the Federal Republic of Germany and the Government of the Arab Republic of Egypt, hereinafter referred to as the Contracting Parties,

Confirming their interest in the peaceful uses of nuclear energy in accordance with the joint Egypto-German statement on nuclear cooperation of July 28, 1981, and in particular on the design, construction and operation of nuclear power plants and related health and safety aspects as well as fuel services;

Recognizing the benefits to be derived by both the Federal Republic of Germany and the Arab Republic of Egypt from close cooperation in scientific, technological and economic development relating to peaceful uses of nuclear energy;

Noting the Agreement between the Government of the Federal Republic of Germany and the Government of the Arab Republic of Egypt on cooperation in the field of scientific research and technological development, signed in Cairo on April 11, 1979;²

Mindful of the fact that both the Federal Republic of Germany and the Arab Republic of Egypt are Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT);³

Noting that the Federal Republic of Germany is a Party to the Treaty establishing the European Atomic Energy Community;⁴

Affirming their support to further the goals of the International Atomic Energy Agency (IAEA) to the best of their ability;

Have agreed as follows:

Article 1. (1) The Contracting Parties shall promote cooperation between them in the peaceful uses of nuclear energy, in particular in the following areas:

- (a) Planning, construction and operation of nuclear power plants in Egypt, as well as other nuclear facilities and research establishments;
- (b) Safety of nuclear facilities and radiation protection;

¹ Came into force on 15 March 1982, the date of the last of the notifications by which the Contracting Parties informed each other (on 26 February and 15 March 1982) of the completion of their respective constitutional requirements, in accordance with article 15 (1).

² United Nations, *Treaty Series*, vol. 1320, p.129.

³ *Ibid.*, vol. 729, p. 161.

⁴ *Ibid.*, vol. 298, p. 167.

- (c) Exploration and exploitation of uranium resources;
- (d) Scientific and technological research and development;
- (e) Training of scientific and technical personnel;
- (f) Use of nuclear energy for purposes other than the generation of electricity, in particular its utilization in medicine, biology and agriculture.

(2) The implementation of the cooperation under this Agreement shall in each case be the subject of specific agreements or other arrangements to be concluded between the Contracting Parties or other public or private entities.

Article 2. (1) The cooperation shall be promoted by:

- (a) Transfer from the Federal Republic of Germany to the Arab Republic of Egypt of material, equipment and technology for the planning, construction and operation of nuclear power plants starting with an approximate total electrical capacity of 2000 MWe and the uranium enrichment services necessary to fuel these plants together with such other services in connection with the operation of the power plants as may be agreed upon;
- (b) Exchange of information;
- (c) Exchange of scientific and technical personnel;
- (d) Experts meetings and other joint activities;
- (e) Provision or procurement of advisory and other services;
- (f) Implementation of joint or coordinated research, development and other nuclear projects.

(2) The Contracting Parties shall facilitate such cooperation *inter alia* by providing materials, equipment and technology as may be agreed upon between them.

(3) The distribution of the costs resulting from the cooperation under this Agreement shall be determined by the specific agreements or other arrangements referred to in paragraph 2 of article 1 above.

(4) Unless otherwise provided for in specific agreements or other arrangements the travel expenses incurred by experts and other persons exchanged between the Contracting Parties under this Agreement shall be borne by the sending Contracting Party. The cost of sojourn and any internal travel expenses incurred in that connection shall be borne by the receiving Contracting Party.

Article 3. In order to promote the implementation of this Agreement the Contracting Parties shall agree to establish a joint liaison group meeting whenever appropriate and normally alternately in the Federal Republic of Germany and the Arab Republic of Egypt. The joint liaison group shall review the progress made with regard to activities under this Agreement and consult on measures that may be necessary in this respect. Moreover, joint groups of experts may be appointed to consider specific issues.

Article 4. (1) The exchange of information shall take place either between the Contracting Parties themselves or between the entities designated by them.

(2) The Contracting Parties or the entities designated by them may transmit the information obtained to public institutions or to non-profit institutions or corporations supported by public authorities. Such transmission of information shall be precluded or limited if the other Contracting Party or the entities designated by it so decide before or at the time of the exchange.

(3) Each Contracting Party shall ensure that the recipients entitled to information under this Agreement or under the specific agreements or other arrangements to be concluded for its implementation do not transmit such information to entities or persons not authorized under this Agreement or under specific agreements or other arrangements to receive such information.

Article 5. (1) This Agreement shall not apply to:

- (a) Information which, by virtue of the rights of third parties or of arrangements concluded with third parties, may not be communicated.
- (b) Government-classified information, unless approval of the transmission of such information is granted by the competent authorities of the respective Contracting Party. The handling of such information shall remain subject to a special arrangement stipulating the procedures for transmission.

(2) Information of significant commercial value shall be communicated only on the basis of special arrangements. Special arrangements shall also determine who shall be entitled to the information of significant commercial value resulting from joint research and development.

(3) The Contracting Parties shall endeavour to ensure that the participating entities indicate to each other as far as possible the degree of reliability and applicability of information exchanged or materials and equipment provided. The fact that the Contracting Parties may be involved in the transmission of information does not in itself constitute any ground for liability of the Contracting Parties.

Article 6. The specific agreements or other arrangements referred to in paragraph 2 of article 1 shall *inter alia* make provision for liability in respect of damage sustained by the Contracting Parties or by third parties in connection with the implementation of this Agreement, provided that there is a need for such provision in individual cases.

Article 7. The Government of the Arab Republic of Egypt shall endeavour to grant the experts charged by the Government of the Federal Republic of Germany with the implementation of the Agreement the same facilities as provided in article 7 of the Agreement between the Government of the Federal Republic of Germany and the Government of the Arab Republic of Egypt regarding technical co-operation, signed in Cairo on June 27, 1973.¹

¹ United Nations, *Treaty Series*, vol. 1163, p. 109.

Article 8. (1) The Contracting Parties declare that their cooperation in the peaceful uses of nuclear energy will not contribute to the proliferation of nuclear weapons or other nuclear explosive devices.

(2) The Contracting Parties agree that no material, equipment or information transferred under this Agreement, nor any subsequent generation of special fissionable material, nor any other material produced, processed or used through the use of any items transferred, shall be used in such a way as to result in a nuclear explosive device.

(3) Nuclear material transferred under this Agreement, and nuclear material used in or produced through the use of material, equipment or information so transferred, shall be subject to safeguards as specified in an agreement with the IAEA for the application of safeguards in accordance with paragraphs 1 and 4 of article III of the NPT being in force for the receiving Contracting Party.

(4) To the extent that such IAEA safeguards cannot be implemented, the Contracting Parties shall undertake to agree at the earliest possible time on a system of safeguards which is equivalent in scope and effect to the above-mentioned system. Such safeguards shall be applied if and when nuclear material is located in the territory of the receiving Contracting Party in respect of which an obligation exists pursuant to paragraph 2 of this article.

Article 9. (1) Any nuclear material, equipment or information in respect of which the receiving Contracting Party is under an obligation pursuant to paragraph 2 of article 8 above may not be transferred to another country unless that country enters into the same obligations as are stipulated in articles 8 and 11 of this Agreement and has concluded a safeguards agreement with the IAEA with regard to the transferred items. The Contracting Parties shall consult each other on this matter.

(2) Such transfer involving uranium enriched with uranium-235 to more than 20 percent, uranium-233 or plutonium, including all subsequent generations of fissionable material derived therefrom as well as irradiated nuclear fuel elements, and the reprocessing of irradiated nuclear fuel elements shall only take place with the agreement of the Contracting Parties.

Article 10. In the event of a delivery of nuclear material from the Arab Republic of Egypt to the Federal Republic of Germany the Contracting Parties shall conclude specific agreements or other arrangements.

Article 11. (1) Each Contracting Party shall take the measures required to ensure effective physical protection of the nuclear material and facilities in its territory as well as during transport between the territories of the Contracting Parties and to other countries.

(2) The Contracting Parties, unless they otherwise agree, shall apply to nuclear material and facilities transferred or nuclear material produced under this Agreement the principles set forth in IAEA document

INFCIRC/225/Rev. 2 as well as in regulations or recommendations of the IAEA supplementing, amending or replacing the said document. The Contracting Parties shall exchange their experience regarding the application of such principles.

Article 12. Without prejudice to the right of either Contracting Party to conclude other agreements in the field of peaceful uses of nuclear energy, nothing in this Agreement shall be interpreted as affecting the obligations resulting from the participation of either Contracting Party in other international agreements for the peaceful uses of nuclear energy, concluded before the date of signature of this Agreement, including those arising for the Federal Republic of Germany from the Treaty establishing the European Atomic Energy Community.

Article 13. (1) Any disputes arising from the interpretation or application of this Agreement shall, as far as possible, be settled by consultation between the two Contracting Parties.

(2) If a dispute cannot thus be settled, either Contracting Party may request that the dispute be submitted to an arbitral tribunal for its decision. Such arbitral tribunal shall be constituted *ad hoc* by mutual agreement between the Contracting Parties.

Article 14. This Agreement shall also apply to Land Berlin, provided that the Government of the Federal Republic of Germany does not make a contrary declaration to the Government of the Arab Republic of Egypt within three months of the date of entry into force of this Agreement.

Article 15. (1) This Agreement shall enter into force as soon as the Contracting Parties have informed each other by an exchange of notes that the respective constitutional requirements for such entry into force have been fulfilled.

(2) This Agreement shall remain in force for a period of thirty years and shall subsequently be extended for successive periods of five years unless an extension is excluded by a corresponding note of either Contracting Party six months prior to the expiry of any such period. The duration of specific agreements or other arrangements shall not be affected by the termination of this Agreement. In the event that this Agreement ceases to have effect, its relevant provisions shall remain in force for the period and to the extent necessary for the implementation of the specific agreements or other arrangements concluded under this Agreement.

(3) The provisions of articles 8 and 9 of this Agreement shall remain in force as long as the relevant nuclear material is in the territory of the Contracting Party concerned.

(4) The Contracting Parties may agree at any time to amend this Agreement. The entry into force of any amendment will be in accordance with the provisions of paragraph 1 of this article.

DONE at Bonn, on 26 October 1981, in duplicate in the German, Arabic and English languages, all three texts being authentic. In case of contradiction between the German and the Arabic texts, the English text shall prevail.

[Signed—*Signé*]¹

[Signed—*Signé*]²

The Government
of the Federal Republic of Germany

[Signed—*Signé*]³

The Government
of the Arab Republic of Egypt

¹ Signed by Dr. Lautenschlager — *Signé par Lautenschlager.*

² Signed by Dr. von Bülow — *Signé par von Bülow.*

³ Signed by Maher Abaza — *Signé par Maher Abaza.*