

No. 23081

---

**AUSTRALIA**  
**and**  
**EUROPEAN ATOMIC ENERGY COMMUNITY**

**Agreement concerning transfers of nuclear material from  
Australia to the European Atomic Energy Community  
(with annexes and exchanges of letters). Signed at Brussels  
on 21 September 1981**

*Authentic texts: English, Danish, German, Greek, French, Italian and Dutch.  
Registered by Australia on 18 September 1984.*

---

**AUSTRALIE**  
**et**  
**COMMUNAUTÉ EUROPÉENNE DE  
L'ÉNERGIE ATOMIQUE**

**Accord relatif aux transferts de matières nucléaires d'Australie  
à la Communauté européenne de l'énergie atomique (avec  
annexes et échanges de lettres). Signé à Bruxelles le  
21 septembre 1981**

*Textes authentiques : anglais, danois, allemand, grec, français, italien et  
néerlandais.*

*Enregistré par l'Australie le 18 septembre 1984.*

## AGREEMENT<sup>1</sup> BETWEEN THE GOVERNMENT OF AUSTRALIA AND THE EUROPEAN ATOMIC ENERGY COMMUNITY CONCERNING TRANSFERS OF NUCLEAR MATERIAL FROM AUSTRALIA TO THE EUROPEAN ATOMIC ENERGY COMMUNITY

The Government of Australia and the European Atomic Energy Community,

Determined to ensure that the international development and use of nuclear energy for peaceful purposes are carried out under arrangements which will further the objective of the non-proliferation of nuclear weapons;

Mindful that Australia and the following Member States of the Community, Belgium, Denmark, the Federal Republic of Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands and the United Kingdom of Great Britain and Northern Ireland are Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, done at London, Moscow and Washington on 1 July 1968<sup>2</sup> (hereinafter referred to as “the Treaty”);

Mindful also that Member States of the Community have concluded with Australia bilateral nuclear co-operation agreements and that the provisions of this Agreement shall, when in force, be regarded as complementary to the provisions of any such bilateral agreements in force and shall, where appropriate, supersede the provisions of those agreements;

Recognising that Australia, as a non-nuclear weapon State, has, under the Treaty, undertaken not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices and that it has concluded an agreement with the International Atomic Energy Agency (hereinafter referred to as the “Agency”) for the application of safeguards in connection with the Treaty;<sup>3</sup>

Recognising that the Community, pursuant to Article 2(e) of the Euratom Treaty,<sup>4</sup> must ensure by appropriate supervision that nuclear materials are not diverted to purposes other than those for which they are intended and that, to this end, safeguards will be applied in accordance with Chapter VII of the Euratom Treaty;

Recognising further that the Community and the Member States of the Community have entered into agreements with the Agency for the application of safeguards within the Community;

Desiring to establish conditions consistent with their determination to ensure the furtherance of the objective of non-proliferation under which nuclear material can be transferred from Australia to the Community for peaceful purposes,

Have agreed as follows:

*Article I.* For the purpose of this Agreement,

(a) “Appropriate authority” means, in the case of Australia, the Australian Safeguards Office, and, in the case of the Community, the Commission of the European Communities, or such other authority as the Party concerned may from time to time notify the other Party;

<sup>1</sup> Came into force on 15 January 1982, the date specified by the Parties in an exchange of diplomatic notes, in accordance with article XX (1).

<sup>2</sup> United Nations, *Treaty Series*, vol. 729, p. 161.

<sup>3</sup> *Ibid.*, vol. 964, p. 83.

<sup>4</sup> *Ibid.*, vol. 298, p. 167.

(b) "Military purpose" means direct military applications of nuclear energy such as nuclear weapons, military nuclear propulsion, military nuclear rocket engines or military nuclear reactors but does not include indirect uses such as power for a military base drawn from a civil power network, or production of radioisotopes to be used for diagnosis in a military hospital;

(c) "Nuclear material" means any "source material" or "special fissionable material" as those terms are defined in Article XX of the Statute of the Agency.<sup>1</sup> Any determination by the Board of Governors of the Agency under Article XX of the Agency's Statute which amends the list of materials considered to be "source material" or "special fissionable material" shall only have effect under this Agreement when both Parties to this Agreement have informed each other in writing that they accept such amendment;

(d) "Parties" means Australia and the Community;

(e) "Community" means both:

(i) The legal person created by the Treaty establishing the European Atomic Energy Community (EURATOM), Party to this Agreement;

(ii) The territories to which the EURATOM Treaty applies;

(f) "Within the Community" means within the territories to which the EURATOM Treaty applies;

(g) "Beyond the Community" has the corresponding meaning;

(h) "Peaceful purposes" means all uses other than use for a military purpose.

*Article II.* 1. This Agreement shall apply to:

- (a) Nuclear material transferred from Australia to the Community for peaceful purposes whether directly or through a third country, provided that Australia has so informed the Community in writing prior to, or at the time of the transfer of such nuclear material. Notwithstanding the above-mentioned requirement for notification, all the provisions of this Article shall apply to nuclear material which has been transferred between Australia and Member States of the Community pursuant to bilateral agreements and which is notified to the Community at the time this Agreement comes into force;
- (b) All forms of nuclear material prepared by chemical or physical processes or isotopic separation provided that the quantity of nuclear material so prepared shall only be regarded as falling within the scope of this Agreement in the same proportion as the quantity of nuclear material used in its preparation, and which is subject to this Agreement, bears to the total quantity of nuclear material so used;
- (c) All generations of nuclear material produced by neutron irradiation provided that the quantity of nuclear material so produced shall only be regarded as falling within the scope of the Agreement in the same proportion as the quantity of nuclear material which is subject to this Agreement and which, used in its production, contributes to this production;
- (d) If so provided for in a bilateral agreement between Australia and a Member State, nuclear material produced, processed or used in equipment which that Member State or Australia in consultation with that Member State has designated to the Community as equipment of Australian origin or as equipment derived from equipment or technology of Australian origin, and which is within the jurisdiction of that Member State at the time of designation and use.

<sup>1</sup> United Nations, *Treaty Series*, vol. 276, p. 3, and vol. 471, p. 334.

2. The items referred to in paragraph 1 of this Article shall be transferred pursuant to this Agreement only to a natural or legal person duly authorised to receive those items.

*Article III.* 1. Nuclear material referred to in Article II of this Agreement shall remain subject to the provisions of this Agreement until it is determined that it is no longer usable, or that it is practicably irrecoverable for processing into a form in which it is usable for any nuclear activity relevant from the point of view of safeguards or until it has been transferred beyond the Community in accordance with the provisions of Article IX of this Agreement.

2. For the purpose of determining when nuclear material subject to this Agreement is no longer usable or is no longer practicably recoverable for processing into a form in which it is usable for any nuclear activity relevant from the point of view of safeguards, both Parties shall accept a determination made by the Agency in accordance with the provisions for the termination of safeguards of the relevant safeguards agreement to which the Agency is a party and which is referred to in Articles V and VI of this Agreement.

*Article IV.* Nuclear material subject to this Agreement shall not be used for, or diverted to, the manufacture of nuclear weapons or other nuclear explosive devices, research on or development of nuclear weapons or other nuclear explosive devices, or be used for any military purpose.

*Article V.* 1. Compliance with Article IV of this Agreement shall be ensured by a system of safeguards applied by the Community and the Agency pursuant to the Euratom Treaty and to the following safeguards agreements:

- (a) The agreement concluded in accordance with Article III of the Treaty on 5 April 1973 between Belgium, Denmark, the Federal Republic of Germany, Ireland, Italy, Luxembourg, the Netherlands, the Community and the Agency;<sup>1</sup>
- (b) The agreement concluded in connection with the Treaty on 6 September 1976 between the United Kingdom, the Community and the Agency;<sup>2</sup>
- (c) The agreement concluded on 27 July 1978 between France, the Community and the Agency.<sup>3</sup>

2. Without prejudice to Articles VI and VII of this Agreement, nuclear material subject to this Agreement shall be subject at all times to an agreement referred to in subparagraphs (a), (b) or (c) of paragraph 1 of this Article or to another agreement concluded in accordance with Article III of the Treaty.

*Article VI.* If, notwithstanding the provisions of Article V of this Agreement, nuclear material subject to this Agreement is present within the Community or any part thereof and the Agency has ceased to administer safeguards within the Community or such part thereof under the relevant safeguards agreement referred to in Article V of this Agreement, safeguards shall be applied under an agreement to which the Community and the Agency are parties and which provides safeguards equivalent in scope and effect to those provided by the relevant safeguards agreement referred to in Article V of this Agreement.

*Article VII.* If, notwithstanding the provisions of Articles V and VI of this Agreement, nuclear material subject to this Agreement is present within the Community or any part thereof and the Agency has ceased to administer safeguards within the Community or such part thereof pursuant to a safeguards agreement or agreements referred to in Articles V and VI of this Agreement, Australia and the Community shall forthwith

<sup>1</sup> United Nations, *Treaty Series*, vol. 1043, p. 213.

<sup>2</sup> *Ibid.*, vol. 1111, p. 167.

<sup>3</sup> *Ibid.*, vol. 1259, p. 177.

enter into an agreement for the application of a safeguards system in the Community or the relevant part thereof which conforms with the safeguards principles and procedures of the Agency and which provides for safeguards equivalent in scope and effect to the Agency safeguards it replaces. The Parties shall consult and assist each other in the application of such a safeguards system.

*Article VIII.* 1. Nuclear material subject to this Agreement shall be subject at all times to adequate levels of physical protection which shall satisfy as a minimum the criteria set out in Annex B to Agency document INFCIRC/254.

2. Measures of physical protection shall be applied by the Member States. The Member States in applying physical protection measures, will be guided by recommendations of international expert groups and especially by Agency document INFCIRC/225 Rev. 1.

3. To take into account generally accepted developments in the field of physical protection, the provisions of Article XVIII shall apply.

*Article IX.* Nuclear material subject to this Agreement transferred to the Community shall not be transferred beyond the Community to any other country without the prior written consent of Australia.

*Article X.* Nuclear material subject to this Agreement shall only be enriched beyond 20% in the isotope uranium 235 according to conditions agreed upon in writing between the Parties, as set out in Annex B.

*Article XI.* Nuclear material subject to this Agreement shall only be reprocessed according to conditions agreed upon in writing between the Parties, as set out in Annex C.

*Article XII.* 1. In applying Articles IX, X and XI of this Agreement, Australia will take into account non-proliferation considerations and nuclear energy requirements of the Community. Australia shall not withhold its consent or agreement for the purpose of securing commercial advantage. Australia shall not unduly delay the making of any decision and shall also without undue delay inform the Community of any such decision.

2. If Australia considers that it is unable to grant consent to a matter referred to in Article IX of this Agreement, it shall provide the Community with an immediate opportunity for full consultation on that issue.

*Article XIII.* 1. The appropriate authorities of both Parties shall consult at any time at the request of either Party to ensure the effective implementation of this Agreement. The Parties may jointly invite the Agency to participate in such consultations.

2. If nuclear material subject to this Agreement is present within the Community or any part thereof, the Community shall, upon the request of Australia, provide Australia in writing with the overall conclusions which the Agency has drawn from its verification activities, under the relevant safeguards agreement, in so far as they relate to nuclear material subject to this Agreement.

3. The appropriate authorities of both Parties shall establish an administrative arrangement to ensure the effective fulfilment of the obligations of this Agreement. An administrative arrangement established pursuant to this paragraph may be changed with the agreement of the appropriate authorities of both Parties.

*Article XIV.* The Parties shall take all appropriate precautions to preserve the confidentiality of commercial and industrial secrets and other confidential information received as a result of the operation of this Agreement.

*Article XV.* In the event of non-compliance by the Community or by any of its Member States with any of the provisions of Articles IV to XI inclusive, or of Articles XIII

or XVI of this Agreement, or of non-compliance with, or repudiation of, Agency safeguards agreements by the Community or by any of its Member States, Australia shall have the right, subject to prior notification, to suspend or cancel further transfers of nuclear material and to require the Community and the relevant Member State or States to take corrective steps. If, following consultation between the Parties, such corrective steps are not taken within a reasonable time, Australia shall thereupon have the right to require the return of nuclear material subject to this Agreement. In the event of detonation of a nuclear explosive device by a non-nuclear weapon State member of the Community the aforementioned provisions would apply.

*Article XVI.* Any dispute arising out of the interpretation or application of this Agreement which is not settled by negotiation shall, at the request of either Party, be submitted to an arbitral tribunal which shall be composed of three arbitrators appointed in accordance with the provisions of this Article. Each Party shall designate one arbitrator who may be in the case of Australia its national and in the case of the Community a national of one of its Member States, and the two arbitrators so designated shall elect a third, who shall not be a national of Australia or of a Member State of the Community and who shall be the Chairman. If within thirty days of the request for arbitration either Party has not designated an arbitrator, either Party to the dispute may request the President of the International Court of Justice or the Secretary-General of the United Nations to appoint an arbitrator. In case of conflicting requests by the Parties to the dispute, the request to the Secretary-General of the United Nations shall have priority. The same procedure shall apply if, within thirty days of the designation or appointment of the second arbitrator, the third arbitrator has not been elected. A majority of the members of the tribunal shall constitute a quorum. All decisions shall be made by majority vote of all the members of the arbitral tribunal. The arbitral procedure shall be fixed by the tribunal. The decisions of the tribunal, including all rulings concerning its constitution, procedure, jurisdiction and the division of the expenses of arbitration between the Parties, shall be binding on both Parties and shall be implemented by them.

*Article XVII.* The provisions of this Agreement shall be regarded as complementary to the provisions of any bilateral nuclear co-operation agreements in force between Australia and Member States of the Community and shall, where appropriate, supersede the provisions of those agreements.

*Article XVIII.* 1. The Parties may consult, at the request of either Party, on possible amendments to this Agreement, particularly to take account of international developments in the field of nuclear safeguards.

2. This Agreement may be amended or revised if the Parties so agree.

3. Any amendment shall enter into force on the date the Parties, by exchange of diplomatic notes, specify for its entry into force.

*Article XIX.* The Annexes form an integral part of this Agreement, and unless expressly provided otherwise, a reference to this Agreement includes its Annexes.

*Article XX.* 1. This Agreement shall enter into force on the date the Parties, by an exchange of diplomatic notes, specify for its entry into force and shall remain in force for an initial period of thirty years. This term may be extended for such additional periods as may be agreed between the Parties.

2. Notwithstanding the suspension, termination or expiration of this Agreement or any co-operation hereunder for any reason, the obligations in Articles III, IV, V, VI, VII, VIII, IX, X, XI, XII, XIII and XIV shall continue in effect so long as any nuclear material subject to these Articles remains in the Community or under its jurisdiction or control anywhere or until it is determined in accordance with the provisions of Article III that such nuclear material is no longer usable, or is practicably irrecoverable

for processing into a form in which it is usable, for any nuclear activity relevant from the point of view of safeguards.

## ANNEX A

### ASSURANCES FROM THE COMMUNITY

1. During the course of the negotiations between Australia and the European Atomic Energy Community, the Community side advised that it would be able to enter into an agreement with Australia concerning transfers of nuclear material from Australia to the Community. The Australian side acknowledged that an agreement of this scope between Australia and the European Atomic Energy Community would cover a significant area of the nuclear transfers likely to take place between Australia and the Community over the period of the duration of the Agreement.

2. Both sides recognized that there remained other areas of likely nuclear transfers between Australia and Member States and that in such circumstances supplementary arrangements would be required between Australia and the relevant Member State or States. In this connection both sides noted that two bilateral agreements between Australia and the UK<sup>1</sup> and Australia and France<sup>2</sup> have been concluded.

3. Both sides noted that the Member States, being prepared to confirm their willingness to enter into discussions if and when appropriate, about such arrangements, have submitted declarations to this effect.

4. The Community confirms there is no obstacle to the conclusion of such arrangements between Australia and any Member State of the Community wishing to conclude them, provided that any agreements or contracts are consistent with the Treaty establishing the European Atomic Energy Community.

## ANNEX B

### PROCEDURE FOR CONSULTATIONS ON CONDITIONS FOR HIGH ENRICHMENT

Whereas Article X of the Agreement provides that nuclear material subject to the Agreement shall only be enriched beyond 20% in the isotope uranium 235 according to conditions agreed upon in writing between the Parties,

The Parties to the Agreement:

Declare that they shall not at present enrich nuclear material subject to the Agreement beyond 20% in the isotope uranium 235, and

Agree to consult within 40 days of the receipt of a request from either Party to consider proposals for conditions to be agreed upon in writing according to which nuclear material subject to the Agreement may be enriched beyond 20% in the isotope uranium 235.

## ANNEX C

### REPROCESSING

Whereas Article XI of the Agreement provides that nuclear material subject to the Agreement (hereinafter referred to as NMSA) shall be reprocessed only according to conditions agreed upon in writing between the Parties,

The Parties to the Agreement,

Acknowledging that the separation, storage, transportation and use of plutonium require particular measures to reduce the risk of nuclear proliferation;

Recognizing the role of reprocessing in connection with efficient energy use, management of materials contained in spent fuel or other peaceful non-explosive uses including research;

<sup>1</sup> See "Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Australia concerning nuclear transfers between the United Kingdom and Australia", United Nations, *Treaty Series*, vol. 1183, p. 45.

<sup>2</sup> See "Agreement between the Government of Australia and the Government of the French Republic concerning nuclear transfers between Australia and France", United Nations, *Treaty Series*, vol. 1334, p. 291.

Desiring predictable and practical implementation of the agreed conditions set out in this Annex, taking into account both their determination to ensure the furtherance of the objective of non-proliferation and the long-term needs of the nuclear fuel cycle programmes of the recipient Party;

Determined to continue to support the development of international safeguards and other measures relevant to reprocessing and plutonium, including an effective and generally accepted international plutonium storage scheme,

Have agreed as follows:

*Article 1.* NMSA may be reprocessed subject to the following conditions:

(a) Reprocessing shall take place under Agency safeguards for the purpose of energy use or management of materials contained in spent fuel, in accordance with the nuclear fuel cycle programme as delineated and recorded in the Implementing Arrangement;

(b) The separated plutonium shall be stored and used under Agency safeguards in accordance with the nuclear fuel cycle programme as delineated and recorded in the Implementing Arrangement;

(c) Reprocessing and use of the separated plutonium for other peaceful non-explosive purposes including research shall take place only under conditions agreed upon in writing between the Parties following consultations under Article 2 of this Annex.

*Article 2.* Consultations shall be held within 40 days of the receipt of a request from either Party:

(a) To review the operation of the provisions of this Annex;

(b) To consider amendments to the Implementing Arrangement as provided therein;

(c) To consider improvements in international safeguards and other control techniques including the establishment of new and generally accepted international mechanisms relevant to reprocessing and plutonium;

(d) To consider amendments to this Annex proposed by either Party in particular to take account of the improvements referred to in paragraph (c) of this Article;

(e) To consider proposals for reprocessing and use of the separated plutonium for other peaceful non-explosive purposes including research.

*Article 3.* The provisions of Article XIV of the Agreement shall apply to the information included in the Implementing Arrangements referred to in Article 1 above.

*Article 4.* This Annex may be amended in accordance with Article XVIII of the Agreement.



For the Government of Australia:  
For Australiens regering:  
Für die Regierung Australiens:  
Γιὰ τὴν Κυβέρνηση τῆς Αὐστραλίας:  
Pour le Gouvernement de l'Australie :  
Per il Governo dell'Australia:  
Voor de regering van Australië :

[Signed — Signé]<sup>1</sup>

For the European Atomic Energy Community:  
For Det europæiske Atomenergifællesskab:  
Für die Europäische Atomgemeinschaft:  
Γιὰ τὴν Εὐρωπαϊκὴ Κοινότητα Ἀτομικῆς Ἐνέργειας:  
Pour la Communauté européenne de l'énergie atomique :  
Per la Comunità Europea dell'Energia Atomica:  
Voor de Europese Gemeenschap voor Atoomenergie :

[Signed — Signé]<sup>2</sup>

<sup>1</sup> Signed by R. Fernandez — Signé par R. Fernandez.

<sup>2</sup> Signed by L. Haferkamp — Signé par L. Haferkamp.

## EXCHANGES OF LETTERS — ÉCHANGES DE LETTRES

Ia

Brussels, 21 Sep 1981

Sir,  
Hr. Næstformand,  
Herr Vizepräsident!  
ΚΥΡΙΕ ΑΝΤΙΠΡΟΕΔΡΕ,  
Monsieur le Vice-Président,  
Signor Vicepresidente,  
Mijnheer de Vice-voorzitter,

I have the honour to refer to the Agreement between the Government of Australia and the European Atomic Energy Community concerning Transfers of Nuclear Material from Australia to the European Atomic Energy Community signed today at Brussels.

1. The Australian Government considers this Agreement to be an important element in the establishment of a network of bilateral agreements between Australia and potential customer countries for Australian uranium, in accordance with the Australian Government's nuclear safeguards policy as announced by the Prime Minister on 24 May 1977. One of the requirements of that policy is that Australian origin nuclear material cannot be transferred to a non-nuclear weapon State that is not a party to the Treaty on the Non-Proliferation of Nuclear Weapons. Australia is seeking to conclude further agreements with other countries on the basis of the Government's nuclear safeguards policy.

2. In the application of Article XV of the Agreement, Australia will have due regard to the nature of the non-compliance or repudiation involved so as to avoid any disproportionate interference with supply.

3. In relation to Article XVIII of the Agreement, no amendment or revision of the Agreement shall be applicable to nuclear material subject to the Agreement supplied or to be supplied pursuant to contracts entered into before such amendment or revision, unless the Parties so agree.

I should be obliged if you would acknowledge receipt of this letter.

## [DANISH TEXT — TEXTE DANOIS]

Jeg har den ære at henvise til den aftale mellem Australiens regering og Det europæiske Atomenergifællesskab om overførsler af nukleart materiale fra Australien til Det europæiske Atomenergifællesskab, som er blevet undertegnet i dag i Bruxelles.

1. Den australske regering finder, at denne aftale er et vigtigt led i oprettelsen af et net af bilaterale aftaler mellem Australien og lande som potentielle købere af australsk uran i overensstemmelse med den australske regerings nukleare kontrolpolitik som meddelt af premierministeren den 24. maj 1977. Et af kravene i denne politik er, at nukleart materiale af australsk oprindelse ikke må overføres til en stat, der ikke besidder kernevåben, hvis den ikke er part i traktaten om ikke-spredning af kernevåben. Australien søger at indgå yderligere aftaler med andre lande på grundlag af regeringens nukleare kontrolpolitik.

2. Ved anvendelsen af aftalens artikel XV vil Australien tage behørigt hensyn til karakteren af den pågældende misligholdelse eller nægtelse for at undgå urimelige forstyrrelser i forsyningen.

Please accept, Sir, the assurance of my highest consideration.

Modtag, hr. Næstformand, forsikringen om min mest udmærkede højagtelse.

Genehmigen Sie, Herr Vizepräsident, den Ausdruck meiner ausgezeichnetsten Hochachtung.

Παρακαλῶ δεχθεῖτε, Κύριε Ἀντιπρόεδρε, τὴ διαβεβαίωση τῆς ὑψίστης ἐκτιμήσεώς μου.

Veuillez agréer, Monsieur le Vice-Président, l'assurance de ma plus haute considération.

Voglia gradire, Signor Vicepresidente, i sensi della mia più alta considerazione.

Gelieve, Mijnheer de Vice-voorzitter, de verzekering van mijn bijzondere hoogachting te aanvaarden.

For the Government of Australia:

For Australiens regering:

Für die Regierung Australiens:

Γιὰ τὴν Κυβέρνηση τῆς Αὐστραλίας:

Pour le Gouvernement de l'Australie :

Per il Governo dell'Australia:

[Signed — Signé]<sup>1</sup>

IIa

Bruxelles, den 21 Sep 1981

Hr. ambassadør,  
Herr Botschafter!  
Κύριε Πρόσβυ,  
Your Excellency,  
Monsieur l'Ambassadeur,  
Signor Ambasciatore,  
Excellentie,

[DANISH TEXT — TEXTE DANOIS]

Jeg har den ære hermed at anerkende modtagelsen af Deres skrivelse af dags dato med følgende ordlyd:

[See letter Ia — Voir lettre Ia]

Jeg kan meddele Dem, at Det europæiske Atomenergifællesskab har taget indholdet af Deres skrivelse til efterretning.

[GERMAN TEXT — TEXTE ALLEMAND]

Ich beehre mich, dem Empfang Ihres Schreibens mit heutigem Datum zu bestätigen, das wie folgt lautet:

[See letter Ia — Voir lettre Ia]

Ich beehre mich, Ihnen mitzuteilen, dass die Europäische Atomgemeinschaft von dem Inhalt Ihres Schreibens Kenntnis genommen hat.

<sup>1</sup> Signed by R. Fernandez — Signé par R. Fernandez.

## [GREEK TEXT — TEXTE GREC]

Ἐχω τὴν τιμὴν νὰ σᾶς γνωρίσω τὴν λήψη σημερινῆς σας ἐπιστολῆς, ἡ ὁποία ἔχει ὥς ἐξῆς :

## [See letter Ia — Voir lettre Ia]

Ἐχω τὴν τιμὴν νὰ σᾶς γνωρίσω ὅτι ἡ Εὐρωπαϊκὴ Κοινότητα Ἀτομικῆς Ἐνεργείας ἔλαβε γνώση τοῦ περιεχομένου τῆς ἐπιστολῆς σας.

I have the honour to acknowledge receipt of your letter of today's date which reads as follows:

## [See letter Ia]

I have the honour to inform you that the European Atomic Energy Community has taken note of the contents of your letter.

J'ai l'honneur d'accuser réception de votre lettre de ce jour libellée comme suit :

## [Voir lettre Ia]

J'ai l'honneur de vous informer que la Communauté européenne de l'énergie atomique a pris bonne note du contenu de votre lettre.

## [ITALIAN TEXT — TEXTE ITALIEN]

Mi prego comunicare di aver ricevuto la Sua lettera in data odierna, del seguente tenore:

## [See letter Ia — Voir lettre Ia]

Mi prego informarLa che la Comunità europea dell'energia atomica ha preso nota del contenuto di tale lettera.

## [DUTCH TEXT — TEXTE NÉERLANDAIS]

Ik heb de eer de ontvangst van Uw brief van heden te bevestigen, die luidt als volgt :

## [See letter Ia — Voir lettre Ia]

Ik heb de eer U mede te delen dat de Europese Gemeenschap voor Atoomenergie van de inhoud van Uw brief nota heeft genomen.

Modtag, hr. ambassadør, forsikringen om min mest udmærkede højagtelse.

Genehmigen Sie, Herr Botschafter, den Ausdruck meiner ausgezeichnetsten Hochachtung.

Παρακαλῶ δεχθεῖτε, Κύριε Πρόεδρε, τὴ διαβεβαίωση τῆς ὑψίστης ἐκτιμῆσεώς μου.

Please accept, Your Excellency, the assurance of my highest consideration.

Veuillez agréer, Monsieur l'Ambassadeur, l'assurance de ma plus haute considération.

Voglia gradire, Signor Ambasciatore, i sensi della mia più alta considerazione.  
Gelieve, Excellentie, de verzekering van mijn bijzondere hoogachting te aanvaarden.

For Det europæiske Atomenergifællesskab:

Für die Europäische Atomgemeinschaft:

ΓΙΑ ΤΗΝ ΕΥΡΩΠΑΪΚΗ ΚΟΙΝΟΤΗΤΑ ΑΤΟΜΙΚΗΣ ΕΝΕΡΓΕΙΑΣ:

For the European Atomic Energy Community:

Pour la Communauté européenne de l'énergie atomique :

Per la Comunità Europea dell'Energia Atomica:

Voor de Europese Gemeenschap voor Atoomenergie :

[Signed — Signé]<sup>1</sup>

Ib

Brussels, 21 September 1981

Sir,  
Hr. Næstformand,  
Herr Vizepräsident!  
ΚΥΡΙΕ ΑΝΤΙΠΡΟΕΔΡΕ,  
Monsieur le Vice-Président,  
Signor Vicepresidente,  
Mijnheer de Vice-voorzitter,

I have the honour to refer to the Agreement between the Government of Australia and the European Atomic Energy Community concerning Transfers of Nuclear Material from Australia to the European Atomic Energy Community signed today at Brussels.

1. In the negotiations between Australia and the European Atomic Energy Community on an agreement concerning transfers of nuclear material from Australia to the Community for peaceful purposes, both Parties discussed the arrangements that would apply, in accordance with the Agreement, to transfers to third countries for conversion, enrichment up to 20 per cent, fuel fabrication, reprocessing and storage of nuclear material subject to the Agreement (hereinafter referred to as "NMSA").

2. The Community delegation described the different stages of the nuclear fuel cycles of Member States. In addition to using conversion, enrichment, fuel fabrication, reprocessing and storage facilities inside the Community, Member States also make use of such facilities outside the Community.

3. In the light of these discussions, the following conclusions were reached:

A. (i) Transfers of NMSA between the Community and third countries, which have an agreement in force with Australia concerning nuclear transfers in relation to which agreement the Australian Government has not advised the Community that it has found it necessary to suspend, cancel or refrain from making nuclear transfers, can take place within the nuclear fuel cycle programme referred to in Annex C of the Agreement for conversion, enrichment up to 20% in the isotope uranium 235, fuel fabrication, reprocessing or storage.

(ii) The Community shall promptly notify Australia, in accordance with the procedures set out in the Administrative Arrangement, of such transfers.

<sup>1</sup> Signed by L. Haferkamp — Signé par L. Haferkamp.

B. (i) Transfers of NMSA between the Community and third countries which do not have an agreement in force with Australia concerning nuclear transfers can take place within the nuclear fuel cycle programme referred to in Annex C of the Agreement for conversion, enrichment up to 20% in the isotope uranium 235, and fuel fabrication.

(ii) In such cases it will be necessary to ensure the return to the Community, or to another country which has an agreement in force with Australia concerning nuclear transfers in relation to which agreement the Australian Government has not advised the Community that it has found it necessary to suspend, cancel or refrain from making nuclear transfers, of quantities of nuclear material equivalent to the supplied nuclear material.

(iii) The Community shall promptly notify Australia, in accordance with the procedures set out in the Administrative Arrangement, of such transfers.

C. (i) Transfers of NMSA, other than those referred to in subparagraphs 3.A. and B. above, from the Community to third countries which have an agreement in force with Australia concerning nuclear transfers in relation to which agreement the Australian Government has not advised the Community that it has found it necessary to suspend, cancel or refrain from making nuclear transfers, can take place for conversion, enrichment up to 20% in the isotope uranium 235, fuel fabrication, and reprocessing for use, storage or final disposal.

(ii) The Community shall promptly notify Australia, in accordance with the procedures set out in the Administrative Arrangement, of such transfers.

(iii) Australia shall provide the Community with, and keep up to date, the list of countries to which transfers may be made in accordance with subparagraph 3.C.(i) above.

D. Transfers of NMSA enriched beyond 20% in the isotopes uranium 233 and uranium 235 and plutonium from the Community to third countries can take place only in accordance with conditions agreed upon in writing between the Parties.

I propose that if the foregoing is acceptable to the European Atomic Energy Community this letter with your reply shall constitute an Agreement between the Government of Australia and the European Atomic Energy Community which shall enter into force on the date that the Agreement between the Government of Australia and the European Atomic Energy Community concerning Transfers of Nuclear Material from Australia to the European Atomic Energy Community enters into force and shall remain in force for as long as that Agreement remains in force.

[DANISH TEXT — TEXTE DANOIS]

Jeg har den ære at henvise til den aftale mellem Australiens regering og Det europæiske Atomenergifællesskab om overførsler af nukleart materiale fra Australien til Det europæiske Atomenergifællesskab, som er blevet undertegnet i dag i Bruxelles.

1. Under forhandlingerne mellem Australien og Det europæiske Atomenergifællesskab om en aftale om overførsler af nukleart materiale fra Australien til Fællesskabet til fredelige formål drøftede de to parter de arrangementer, der i overensstemmelse med aftalen skulle gælde for overførsler til tredjelande til konversion, berigning indtil 20%, brændselsfremstilling, oparbejdning og oplagring af nukleart materiale omfattet af aftalen (i det følgende benævnt "NMSA").

2. Fællesskabets delegation beskrev de forskellige faser i medlemsstaternes nukleare brændselskredsløb. Medlemsstaterne anvender ud over de faciliteter for konversion, berigning, brændselsfremstilling, oparbejdning og oplagring, der findes inden for Fællesskabet, også sådanne faciliteter uden for Fællesskabet.

## IIb

Bruxelles, den 21 September 1981

Hr. ambassadør,  
Herr Botschafter!  
Κύριε Πρόεδρε,  
Your Excellency,  
Monsieur l'Ambassadeur,  
Signor Ambasciatore,  
Excellentie,

[DANISH TEXT — TEXTE DANOIS]

Jeg har den ære hermed at anerkende modtagelsen af Deres skrivelse af dags dato med følgende ordlyd:

[See letter Ib — Voir lettre Ib]

Jeg bekræfter hermed de konklusioner, der er anført i Deres skrivelse om fortolkningen og anvendelsen af aftalen, og kan meddele, at Det europæiske Atomenergifællesskab derfor er indforstået med, at Deres skrivelse sammen med dette svar skal udgøre en aftale mellem Australiens regering og Det europæiske Atomenergifællesskab og at den skal træde i kraft på den dato, aftalen mellem Australiens regering og Det europæiske Atomenergifællesskab om overførsler af nukleart materiale fra Australien til Det europæiske Atomenergifællesskab træder i kraft, samt at den skal gælde, så længe denne aftale forbliver i kraft.

[GERMAN TEXT — TEXTE ALLEMAND]

Ich beehre mich, den Empfang Ihres Schreibens mit heutigem Datum zu bestätigen, das wie folgt lautet:

[See letter Ib — Voir lettre Ib]

Ich beehre mich, die in Ihrem Schreiben enthaltenen Schlussfolgerungen in bezug auf die Auslegung und Anwendung des Abkommens zu bestätigen und mitzuteilen, dass die Europäische Atomgemeinschaft mithin damit einverstanden ist, dass Ihr Schreiben zusammen mit diesem Antwortschreiben eine Vereinbarung zwischen der Regierung Australiens und der Europäischen Atomgemeinschaft bildet, das zum gleichen Zeitpunkt wie das Abkommen zwischen der Regierung Australiens und der Europäischen Atomgemeinschaft über die Weitergabe von Kernmaterial von Australien in die Europäische Atomgemeinschaft in Kraft tritt und so lange wie dieses Abkommen in Kraft bleibt.

[GREEK TEXT — TEXTE GREC]

Έχω την τιμή να σάς γνωρίσω την λήψη της σημερινής επιστολής σας, η οποία έχει ως εξής :

[See letter Ib — Voir lettre Ib]

Έχω την τιμή να επιβεβαιώσω τα συμπεράσματα της επιστολής σας σχετικά με την έρμηνεία και την εφαρμογή της Συμφωνίας και

νά σᾶς πληροφορήσω ὥς ἐκ τούτου ὅτι ἡ Εὐρωπαϊκὴ Κοινότητα Ἀτομικῆς Ἐνεργείας συμφωνεῖ καί θεωρεῖ ὅτι ἡ ἐπιστολή σας μαζί μέ τήν παρούσα ἀπάντηση θά ἀποτελέσουν μία Συμφωνία μεταξύ τῆς Κυβερνήσεως τῆς Αὐστραλίας καί τῆς Εὐρωπαϊκῆς Κοινότητος Ἀτομικῆς Ἐνεργείας ἡ ὁποία ἀρχίζει νά ἰσχύει τήν ἡμερομηνία ἐνάρξεως ἰσχύος τῆς συμφωνίας μεταξύ τῆς Κυβερνήσεως τῆς Αὐστραλίας καί τῆς Εὐρωπαϊκῆς Κοινότητος Ἀτομικῆς Ἐνεργείας σχετικά μέ τήν μεταφορά πυρηνικοῦ ὕλικου ἀπό τήν Αὐστραλία πρὸς τήν Εὐρωπαϊκὴ Κοινότητα Ἀτομικῆς Ἐνεργείας καί θά παραμείνει σέ ἰσχύ ἔφ' ὅσον χρονικὸ διάστημα θά παραμείνει σέ ἰσχύ καί ἡ συμφωνία.

I have the honour to acknowledge receipt of your letter of today's date which reads as follows:

[See letter Ib]

I have the honour to confirm the conclusions recorded in your letter about the interpretation and application of the Agreement and to advise that the European Atomic Energy Community therefore agrees that your letter with the present reply shall constitute an Agreement between the Australian Government and the European Atomic Energy Community which shall enter into force on the date that the Agreement between the Government of Australia and the European Atomic Energy Community concerning Transfers of Nuclear Material from Australia to the European Atomic Energy Community enters into force and shall remain in force for as long as that Agreement remains in force.

J'ai l'honneur d'accuser réception de votre lettre de ce jour libellée comme suit :

[Voir lettre Ib]

J'ai l'honneur de confirmer les conclusions consignées dans votre lettre sur l'interprétation et l'application de l'Accord et de vous informer que la Communauté européenne de l'énergie atomique accepte par conséquent que votre lettre ainsi que la présente réponse constituent un accord entre le gouvernement australien et la Communauté européenne de l'énergie atomique qui entrera en vigueur à la date à laquelle l'Accord entre le gouvernement de l'Australie et la Communauté européenne de l'énergie atomique relatif aux transferts de matières nucléaires d'Australie à la Communauté européenne de l'énergie atomique entrera en vigueur, et qui restera en vigueur aussi longtemps que cet Accord restera en vigueur.

[ITALIAN TEXT — TEXTE ITALIEN]

mi pregio comunicare di aver ricevuto la Sua lettera in data odierna, del seguente tenore :

[See letter Ib — Voir lettre Ib]



Mi prego confermare le conclusioni presentate nella Sua lettera circa l'interpretazione e l'applicazione dell'accordo e di comunicare che la Comunità europea dell'energia atomica accetta che la Sua lettera e la presente risposta costituiscano un accordo tra il Governo dell'Australia e la Comunità europea dell'energia atomica, che entrerà in vigore alla stessa data dell'accordo tra il Governo dell'Australia e la Comunità europea dell'energia atomica sui trasferimenti di materiale nucleare tra l'Australia e la Comunità europea dell'energia atomica e resterà valido per tutto il tempo in cui tale accordo rimarrà in vigore.

[DUTCH TEXT — TEXTE NÉERLANDAIS]

Ik heb de eer de ontvangst te bevestigen van uw schrijven van heden, dat luidt als volgt :

[See letter Ib — Voir lettre Ib]

Ik heb de eer de in uw brief vervatte conclusies te bevestigen met betrekking tot de interpretatie en toepassing van de Overeenkomst en U mede te delen dat de Europese Gemeenschap voor Atoomenergie er bijgevolg mee instemt dat uw brief met dit antwoord een Overeenkomst vorint tussen de Australische Regering en de Europese Gemeenschap voor Atoomenergie, die in werking zal treden op de datum waarop de Overeenkomst tussen de Regering van Australië en de Europese Gemeenschap voor Atoomenergie betreffende overdracht van kernmateriaal van Australië aan de Europese Gemeenschap voor Atoomenergie in werking treedt en van kracht blijft zolang die Overeenkomst van kracht blijft.

Modtag, hr. ambassadør, forsikringen om min mest udmærkede højagtelse.

Genehmigen Sie, Herr Botschafter, den Ausdruck meiner ausgezeichnetsten Hochachtung.

Παρακαλῶ δεχθεῖτε, Κύριε Πρόσβυ, τὴ διαβεβαίωση τῆς ὑψίστης ἐκτιμῆσεώς μου.

Please accept, Your Excellency, the assurance of my highest consideration.

Veuillez agréer, Monsieur l'Ambassadeur, l'assurance de ma plus haute considération.

Voglia gradire, Signor Ambasciatore, i sensi della mia più alta considerazione.

Gelieve, Excellentie, de verzekering van mijn bijzondere hoogachting te aanvaarden.

For Det europæiske Atomenergifællesskab:

Für die Europäische Atomgemeinschaft:

ΓΙΑ τὴν Εὐρωπαϊκὴ Κοινότητα Ἀτομικῆς Ἐνέργειας:

For the European Atomic Energy Community:

Pour la Communauté européenne de l'énergie atomique :

Per la Comunità Europea dell'Energia Atomica :

Voor de Europese Gemeenschap voor Atoomenergie :

[Signed — Signé]<sup>1</sup>

<sup>1</sup> Signed by L. Haferkamp -- Signé par L. Haferkamp.