

No. 23483

**SPAIN
and
UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND**

**Exchange of notes constituting an agreement concerning the
exportation of a certain quantity of nuclear material
from the United Kingdom to Spain. Madrid, 18 October
1984**

Authentic texts: English and Spanish.

Registered by Spain on 8 August 1985.

**ESPAGNE
et
ROYAUME-UNI DE GRANDE-BRETAGNE
ET D'IRLANDE DU NORD**

**Échange de notes constituant un accord relatif à l'exportation
d'une certaine quantité de matières nucléaires du
Royaume-Uni en Espagne. Madrid, 18 octobre 1984**

Textes authentiques : anglais et espagnol.

Enregistré par l'Espagne le 8 août 1985.

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE GOVERNMENT OF SPAIN AND THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND CONCERNING THE EXPORTATION OF A CERTAIN QUANTITY OF NUCLEAR MATERIAL FROM THE UNITED KINGDOM TO SPAIN

I

BRITISH EMBASSY
MADRID

18 October 1984

Your Excellency,

I have the honour to refer to International Atomic Energy Agency (IAEA) document INF/CIRC/254 dated February 1978,² a copy of which is attached, and to state that the Government of the United Kingdom of Great Britain and Northern Ireland have decided to base their nuclear export policies on this document.

So that the United Kingdom Government may give effect to the Guidelines set out in the Appendix to that document (and hereinafter referred to as "the Guidelines"), I have the honour to propose that the Government of Spain shall, in respect of the proposed transfer of 26 tonnes of enriched uranium in the form of uranium dioxide powder by British Nuclear Fuels Plc (BNF Plc) from the United Kingdom to Spain for use by Empresa Nacional del Uranio SA (ENUSA) at its Fuel Fabrication plant at Juzbado in Salamanca, comply with the following conditions:

- (a) That, in compliance with paragraphs 1 and 2 of the Guidelines, the material shall be used only for peaceful purposes, and shall not be used in any way which would result in any nuclear explosive device;
- (b) That, in compliance with paragraph 3 of the Guidelines, this shipment of nuclear material shall be placed under effective physical protection in accordance with the protection characteristics set out in Annex B to the Guidelines, the implementation of those measures of physical protection being the responsibility of the Government of Spain when the aforementioned shipment is under its jurisdiction;
- (c) That, in compliance with paragraph 4 of the Guidelines, IAEA safeguards shall apply to this shipment of nuclear material and to any nuclear material derived from it;
- (d) That, in compliance with paragraph 10 of the Guidelines, the Government of Spain shall not retransfer this shipment of nuclear material, nor transfer any items identified in the agreed Trigger List in Part A of the Annex to IAEA docu-

¹ Came into force on 28 November 1984, upon notification by the International Atomic Energy Agency that the necessary arrangements had been made for the application of safeguards, in accordance with the provisions of the said notes.

² For the text of document INF/CIRC/254, which is not published hereunder, see "Exchanges of notes between Spain and the United Kingdom of Great Britain and Northern Ireland concerning the exportation of a certain quantity of nuclear material from the United Kingdom to Spain" in United Nations, *Treaty Series*, vol. 1286, p. 247.

ment INF/CIRC/254, that may be derived from the material, unless the recipient of the retransfer or transfer shall first have provided the Government of Spain with the same assurances as those required by the United Kingdom for the transfer of this shipment.

The principle of the implementation of safeguards for the material which it is proposed to transfer from the United Kingdom to Spain having been accepted, and in order that this implementation may be effective, the Government of the United Kingdom shall notify officially to the Government of Spain the execution of the transfer, providing the relevant information as to the quantity and form of the material, date of despatch and consignee.

It is understood that further deliveries of enriched uranium in the form of uranium dioxide powder by BNF Plc to ENUSA may be made in future years for use at the plant mentioned above. The United Kingdom Government have the honour to propose that any such deliveries shall be covered by the provisions of this Note.

If the foregoing proposals are acceptable to the Government of Spain I have the honour to propose that this Note, together with your reply in that sense, shall constitute an Agreement between our two Governments which shall enter into force upon formal notification by the International Atomic Energy Agency that the necessary arrangements have been made with it for the application of safeguards.

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration.

[Signed]

Lord NICHOLAS GORDON LENNOX

Excmo. Sr. Don Fernando Morán López
Ministro de Asuntos Exteriores
Ministerio de Asuntos Exteriores
Madrid¹

II

[SPANISH TEXT — TEXTE ESPAGNOL]

Madrid, 18 de octubre de 1984

Excelencia,

Tengo el honor de referirme a su Nota de fecha 18 de octubre de 1984, sobre el documento INF/CIRC/254, de febrero de 1978, del Organismo Internacional de Energía Atómica (OIEA), y la decisión del Gobierno del Reino Unido de Gran Bretaña e Irlanda del Norte de basar su política de exportación nuclear en dicho documento.

A fin de que el Gobierno del Reino Unido pueda poner en efecto los principios expuestos en el apéndice de dicho documento (y que en el presente texto se describen en adelante como "los Principios"), tengo el honor de comunicar a Vuestra Excelencia que el Gobierno de España acepta, en lo que respecta a la proyectada transferen-

¹ His Excellency Mr. Fernando Morán López, Minister of Foreign Affairs, Ministry of Foreign Affairs, Madrid.

[TRANSLATION — TRADUCTION]

Madrid, 18 October 1984

Sir:

I have the honour to refer to your Note of 18 October 1984 concerning the International Atomic Energy Agency (IAEA) document INF/CIRC/254 dated February 1978 and the decision of the Government of the United Kingdom of Great Britain and Northern Ireland to base its nuclear export policy on that document.

In order that the Government of the United Kingdom may give effect to the Guidelines set out in the appendix to that document (hereinafter referred to as "the Guidelines"), I have the honour to inform you that the Government of Spain agrees, in respect of the proposed transfer of 26 tonnes of enriched uranium in the form of uranium dioxide powder by British Nuclear Fuels Plc (BNF Plc) from the United Kingdom to Spain for use by Empresa Nacional del Uranio S.A. (ENUSA) at its fuel fabrication plant at Juzbado province of Salamanca, to comply with the following conditions:

[See note 1]

The Government of Spain agrees that if in future years further deliveries of enriched uranium in the form of uranium dioxide powder are made by BNF Plc to ENUSA for use in the above-mentioned plant, such deliveries shall be covered by the provisions of your Note.

I have the honour to confirm that your Note of 18 October 1984 and this reply constitute an Agreement between our two Governments which shall enter into force upon formal notification by the International Atomic Energy Agency (IAEA) that the necessary arrangements have been made with it for the application of safeguards.

I take this opportunity, etc.

[FERNANDO MORÁN LÓPEZ]

Lord Nicholas Gordon Lennox, CMG MVO
Ambassador Extraordinary and Plenipotentiary
of Her Britannic Majesty
Madrid
