

International Atomic Energy Agency

INFORMATION CIRCULAR

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COMMUNICATION RECEIVED FROM THE RESIDENT REPRESENTATIVE OF ITALY ON BEHALF OF THE EUROPEAN COMMUNITY

On 27 March 1985 the Director General received from the Resident Representative of Italy, on behalf of the European Community, a letter dated 22 March 1985 transmitting to him the text of a common policy declaration adopted by the ministers for foreign affairs of the ten members of the Community on 20 November 1984, for circulation among the Member States of the Agency. The text of the declaration is accordingly reproduced overleaf for the information of all Member States.

DECLARATION OF COMMON POLICY

The Ten (hereinafter called "the Member States"), united within the framework of European political co-operation:

- (a) recalling the rights and obligations deriving from their membership of the European Atomic Energy Community,
- (b) emphasizing their support for the objective of non-proliferation of nuclear weapons,
- (c) referring to the various undertakings relating to the peaceful utilization of nuclear energy and the safeguarding thereof to which they have respectively subscribed, in particular the Treaty on the Non-Proliferation of Nuclear Weapons and the agreements concluded between the Member States, the European Atomic Energy Community and the International Atomic Energy Agency for the application of safeguards within the Community, and
- (d) taking note of the adoption by all the Member States of the Guidelines for the Export of Nuclear Material, Equipment or Technology set forth in document INFCIRC/254 of the International Atomic Energy Agency (hereinafter called "the Guidelines"),

1. State that the principles contained in the Guidelines constitute a common, fundamental set of rules for all the Member States in relation to their nuclear exports,

2. Declare that, provided the provisions of the Treaties of Rome and the competence of the Member States are respected, transfers of nuclear material, equipment and technology may be made without restriction between the Member States, subject to the following additional arrangements:

2.1. Until such time as they are used, separated plutonium and uranium enriched to more than 20% will be stored by the Member States at the place of separation or enrichment to more than 20%, or at the places of fabrication of fuels containing plutonium or uranium enriched to more than 20%, or in a store established and administered by a Member State, or in a place to be determined by common agreement between the Member States concerned.

2.1.1. Plutonium and uranium enriched to more than 20% will be transferred by the Member States upon receipt of a certificate from the consignee (see the model form annexed hereto) specifying the final destination, the quantities, the approximate date of delivery, the timetable for utilization, the form in which delivery is to take place and the allocation of the material to one or other of the following uses:

- fuel supply for any power or research reactor in operation or under construction on the territory of a Member State or under its jurisdiction;
- fabrication on the territory of a Member State or under its jurisdiction for purposes of fuel supply to the reactors specified above or, subject to the terms of paragraph 2.1.3, for purposes of fuel supply to any reactor situated on the territory of a third-party State;
- research and development in any laboratory situated on the territory of a Member State or under its jurisdiction. Subject to the terms of paragraph 2.1.2, the materials may also be transferred to a third-party State under a co-operation agreement relating to research and development;
- utilization in any other installation connected with an energy programme or a research and development programme and situated on the territory of a Member State or subject to its jurisdiction,

including any intermediate storage required for satisfactory implementation of the above-mentioned operations.

2.1.2. The Government of the Member State to which the consignee belongs will confirm the correctness of the information given in the certificate referred to in paragraph 2.1.1 above.

2.1.3. Plutonium and uranium enriched to more than 20% will not be retransferred to a third State without mutual agreement between the Member State that has separated the plutonium or enriched the uranium to more than 20% and the Member State desiring to effect the retransfer, without prejudice to any other rights of prior consent that may exist.

2.1.4. Paragraphs 2.1.1, 2.1.2 and 2.1.3 above do not apply to:

- plutonium having an isotopic concentration of plutonium-238 above 80%;
- special fissile materials used in quantities of the order of a gramme or less as a component of sensitive measuring instruments;
- transfers to a given Member State not exceeding 50 effective grammes in the course of a year;
- retransfers to a given third State not exceeding 50 grammes in the course of a year, without prejudice to any other rights of prior consent that may exist.

2.1.5. The above arrangements will be reconsidered by the Member States in the event that an international plutonium store is set up under the aegis of the International Atomic Energy Agency.

2.2. Installations and technology relating to reprocessing, enrichment and the production of heavy water, or other installations created on the basis of such technology, may be transferred in the light of the nature and the degree of development of the nuclear programmes in the recipient Member States.

2.3. No enrichment facility transferred from a Member State nor any installation created on the basis of the technology derived from such a facility may be designed or operated for the production of uranium enriched to more than 20% without the agreement of the Member State supplying the facility.

2.4. In making transfers of sensitive equipment or technology, the Member States will observe the provisions relating to the protection of secret information.

2.5. The prior agreement of the supplying State will be required for any retransfer of installations, principal components of crucial importance, reprocessing or enrichment technology or the technology of heavy water production, as well as for any transfer of installations or principal components of crucial importance derived therefrom.

Such retransfers and transfers between Member States may take place in consultation with the originating Member State in the light of the nature and the degree of development of the nuclear programme of the receiving Member State;

3. State that the Member States will apply to the nuclear materials under their jurisdiction measures of physical protection at least equal to the level established in the Guidelines; and
4. State finally that, in the above-mentioned conditions, transfers between the Member States of nuclear materials, equipment and technology will be carried out in a manner compatible with the requirements of non-proliferation and free movement of goods.

MODEL FORM

Request for Transfer of Plutonium or Uranium
Enriched to More Than 20%

1. Enrichment or reprocessing facility
 - 1.1. Name or trade name of firm
 - 1.2. Address
2. Consignee
 - 2.1. Name or trade name of firm
 - 2.2. Address
 - 2.3. Principal activity
3. Description of shipment
 - 3.1. Total weight of material
 - 3.2. Weight of fissile plutonium (or uranium enriched to more than 20%)
 - 3.3. Form of material
 - 3.4. Approximate date of delivery
4. Use of the material
 - 4.1. Fuel fabrication
 - 4.1.1. Nature of fabrication
 - 4.1.2. Name, trade name and address of fabrication plant
 - 4.1.3. Timetable for fuel fabrication
 - 4.2. Other uses
 - 4.2.1. Nature of the use
 - 4.2.2. Name, trade name and address of the user
 - 4.2.3. Timetable for use

4.3. Final destination

4.3.1. Nature of final use

4.3.2. Designation of facility

4.3.3. Name, trade name and address of final user

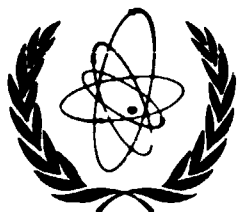
4.3.4. Timetable for final use

I the undersigned certify that the information given in this form is authentic and truthful.

Date and place of signature

Signature

Name and office of signer



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COMMUNICATION RECEIVED FROM THE RESIDENT REPRESENTATIVE OF ITALY
ON BEHALF OF THE EUROPEAN COMMUNITY

A communication dated 17 June 1986
from the Permanent Mission of Portugal

On 18 June 1986 the Director General received from the Permanent Mission of Portugal a communication dated 17 June 1986 stating that the Government of Portugal has also adopted the common policy declaration adopted on 20 November 1984 by the ministers for foreign affairs of the then ten members of the European Community, which was transmitted to the Director General by the Resident Representative of Italy, on behalf of the Community, on 22 March 1985 and which is reproduced in document INFCIRC/322. The declaration deals with transfers of nuclear material, equipment and technology between the Member States of the Community.