

Information Circular

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Agreement between the Republic of San Marino and the International Atomic Energy Agency for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons

An Agreement by Exchange of Letters with the Republic of San Marino to amend the Protocol to the Safeguards Agreement

1. The text of the Exchange of Letters, constituting an agreement to amend the Protocol¹ to the Agreement between the Republic of San Marino and the International Atomic Energy Agency for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons², is reproduced in this document for the information of all Member States of the Agency.
2. The amendments agreed upon in the Exchange of Letters entered into force on 13 May 2011, the date on which the Agency received from San Marino written notification that San Marino's internal requirements for entry into force had been fulfilled.

¹ Referred to as the "Small Quantities Protocol".

² Reproduced in document INFCIRC/575 and Corr.1.



REPUBBLICA DI SAN MARINO
SEGRETARIA DI STATO PER GLI AFFARI ESTERI

Prot. N. 11127/AA/11

San Marino, 16 December 2010

Dear Mr. Cserveny,

I have the honour to refer to the IAEA's letter of 5 October 2010 and the proposal contained therein which reads as follows:

"It is therefore proposed that paragraph I of the Small Quantities Protocol be amended to read as follows:

I. (1) Until such time as San Marino

(a) Has, in peaceful nuclear activities within its territory or under its jurisdiction or control anywhere, nuclear material in quantities exceeding the limits stated, for the type of material in question, in Article 36 of the Agreement between San Marino and the Agency for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons (hereinafter referred to as "the Agreement"), or

(b) Has taken the decision to construct or authorize construction of a facility, as defined in the Definitions,

the implementation of the provisions in Part II of the Agreement shall be held in abeyance, with the exception of Articles 32-38, 40, 48, 49, 59, 61, 67, 68, 70, 72-76, 82, 84-90, 94 and 95.

(2) The information to be reported pursuant to paragraphs (a) and (b) of Article 33 of the Agreement may be consolidated and submitted in an annual report; similarly, an annual report shall be submitted, if applicable, with respect to the import and export of nuclear material described in paragraph (c) of Article 33.

(3) In order to enable the timely conclusion of the Subsidiary Arrangements provided for in Article 38 of the Agreement, San Marino shall

Mr. Vilmos Cserveny
Assistant Director General
for External Relations
and Policy Coordination
International Atomic Energy Agency
= VIENNA =



REPUBBLICA DI SAN MARINO
SEGRETARIA DI STATO PER GLI AFFARI ESTERI

- (a) Notify the Agency sufficiently in advance of its having nuclear material in peaceful nuclear activities within its territory or under its jurisdiction or control anywhere in quantities that exceed the limits, as referred to in section 1 thereof, or*
- (b) Notify the Agency as soon as the decision to construct or to authorize construction of a facility has been taken, whichever occurs first."*

In this regard, I have the honour to confirm that the Government of the Republic of San Marino accepts the proposal set forth in your letter and that the aforementioned letter and this reply shall constitute an agreement between San Marino and the IAEA to amend the Small Quantities Protocol accordingly, which amendments shall enter into force on the date of notification from the Republic of San Marino of the completion of the internal procedures necessary for their entry into force.

I avail myself of this opportunity to renew to you, Mr. Cserveny, the assurances of my highest esteem and consideration.

Antonella Mularoni
Secretary of State for Foreign Affairs



Atoms for Peace

الوكالة الدولية للطاقة الذرية

国际原子能机构

International Atomic Energy Agency

Agence internationale de l'énergie atomique

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2010-10-05

Madam,

I have the honour to refer to my letter of 14 December 2005 addressed to HE Mr Fabio Berardi, Minister for Foreign and Political Affairs of San Marino, and the note verbale dated 27 September 2007 addressed to the Permanent Mission of the Republic of San Marino to the United Nations at New York. Both communications refer to the proposed amendment to the protocol ("Small Quantities Protocol") to San Marino's comprehensive safeguards agreement.

The modification of the standard text and of the criteria for Small Quantities Protocols is an important measure designed to strengthen the IAEA's safeguards system.

The Board of Governors authorized the Director General to conclude with all States with Small Quantities Protocols exchanges of letters giving effect to the revised standardized text and the modified criteria, and called on the States concerned to conclude such exchanges of letters as soon as possible.

It is therefore proposed that paragraph I of the Small Quantities Protocol be amended to read as follows:

I. (1) Until such time as San Marino

- (a) Has, in peaceful nuclear activities within its territory or under its jurisdiction or control anywhere, nuclear material in quantities exceeding the limits stated, for the type of material in question, in Article 36 of the Agreement between San Marino and the Agency for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons (hereinafter referred to as "the Agreement"), or
- (b) Has taken the decision to construct or authorize construction of a facility, as defined in the Definitions,

the implementation of the provisions in Part II of the Agreement shall be held in abeyance, with the exception of Articles 32-38, 40, 48, 49, 59, 61, 67, 68, 70, 72-76, 82, 84-90, 94 and 95.

- (2) The information to be reported pursuant to paragraphs (a) and (b) of Article 33 of the Agreement may be consolidated and submitted in an annual report; similarly, an annual report shall be submitted, if applicable, with respect to the import and export of nuclear material described in paragraph (c) of Article 33.
- (3) In order to enable the timely conclusion of the Subsidiary Arrangements provided for in Article 38 of the Agreement, San Marino shall
 - (a) Notify the Agency sufficiently in advance of its having nuclear material in peaceful nuclear activities within its territory or under its jurisdiction or control anywhere in quantities that exceed the limits, as referred to in section I hereof, or
 - (b) Notify the Agency as soon as the decision to construct or to authorize construction of a facility has been taken, whichever occurs first.

Since the Board of Governors has called for all such protocols to be amended at an early date, the Secretariat would hope to receive the Government's reply to the Agency's proposal as early as possible. This response should be signed by the Head of State or Government, by the Minister for Foreign Affairs, or by any other representative holding full powers to do so.

If this proposal is acceptable to your Government, this letter and your Government's affirmative reply shall constitute an agreement between San Marino and the IAEA to amend the Small Quantities Protocol accordingly, which amendments shall enter into force on the date that the Agency receives that reply.

Accept, Madam, the assurances of my highest consideration.



Vilmos Cserveny
Assistant Director General
for External Relations and Policy Coordination

Enclosure