



International Atomic Energy Agency

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THE TEXT OF A SAFEGUARDS TRANSFER AGREEMENT RELATING
TO THE BILATERAL AGREEMENT BETWEEN PORTUGAL
AND THE UNITED STATES OF AMERICA

Protocol of Suspension

1. The text [1] of the Protocol of 23 September 1980 suspending application of safeguards pursuant to the Safeguards Transfer Agreement [2] of 11 July 1969 between the Agency, Portugal, and the United States of America which relates to the agreement of 16 May 1974 between the two Governments for co-operation in the promotion and development of the peaceful uses of atomic energy is reproduced in this document for the information of all Members.
2. The Protocol entered into force, pursuant to Section 4 thereof, on 23 September 1980.

[1] The footnotes to the text have been added in the present information circular.

[2] Reproduced in document INFCIRC/131.



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The IAEA is pleased to announce the publication of this information circular, which contains the results of the work of the IAEA in the field of nuclear energy for peaceful purposes.

For further information, please contact the IAEA Secretariat.

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- [1] The information for this report has been derived from the present information circular.
- [2] Reproduced in this report: IAEA/INFC/131.

PROTOCOL TO SUSPEND THE APPLICATION OF SAFEGUARDS PURSUANT TO THE
AGREEMENT BETWEEN THE INTERNATIONAL ATOMIC ENERGY AGENCY,
THE GOVERNMENT OF PORTUGAL AND THE GOVERNMENT OF THE
UNITED STATES OF AMERICA FOR THE APPLICATION OF
SAFEGUARDS AND PROVIDING FOR THE APPLICATION OF
SAFEGUARDS PURSUANT TO THE TREATY ON THE
NON-PROLIFERATION OF NUCLEAR WEAPONS AND TO THE
AGREEMENT BETWEEN THE UNITED STATES OF AMERICA
AND THE INTERNATIONAL ATOMIC ENERGY AGENCY FOR
THE APPLICATION OF SAFEGUARDS IN THE
UNITED STATES OF AMERICA, APPROVED BY
THE BOARD OF GOVERNORS OF THE
INTERNATIONAL ATOMIC ENERGY AGENCY

The International Atomic Energy Agency (hereinafter referred to as the "Agency"), the Government of Portugal (hereinafter referred to as "Portugal"), and the Government of the United States of America (hereinafter referred to as the "United States"):

RECOGNIZING that the Agency has been applying safeguards in accordance with the provisions of the agreement between the International Atomic Energy Agency, the Government of Portugal and the Government of the United States of America for the application of safeguards, signed on 11 July 1969 (hereinafter referred to as the "Safeguards Transfer Agreement")[2] to material, equipment and facilities required to be safeguarded under the Agreement for Co-operation between the Government of the United States of America and the Government of Portugal concerning civil uses of atomic energy, signed on 16 May 1974 (hereinafter referred to as the "Agreement for Co-operation")[3], to ensure so far as it is able that they will not be used in such a way as to further any military purpose;

RECOGNIZING that Portugal, as a non-nuclear-weapon State party to the Treaty on the Non-Proliferation of Nuclear Weapons (hereinafter referred to as the "Treaty")[4] has concluded with the Agency an agreement for the application of safeguards in connection with the Treaty pursuant to paragraph 4 of Article III of the Treaty (hereinafter referred to as the "Treaty Safeguards Agreement")[5];

RECOGNIZING that Article 23 of the Treaty Safeguards Agreement provides for the suspension of Agency safeguards applied pursuant to other safeguards agreements with the Agency;

RECOGNIZING that, under Article X of the Agreement for Co-operation, Portugal has guaranteed that no material, including equipment and devices, transferred to Portugal or authorized persons under its jurisdiction pursuant to the Agreement for Co-operation and no special nuclear material produced through the use of such material, equipment and devices, will be used for atomic weapons, or for research on or development of atomic weapons, or for any other military purpose;

[3] Reproduced in United States Treaties and Other International Agreements, Vol. 25, under number TIAS 7844.

[4] Reproduced in document INFCIRC/140.

[5] Reproduced in document INFCIRC/272.

HAVE AGREED:

1. The Treaty Safeguards Agreement shall be applied as therein provided and the application of safeguards in Portugal pursuant to the Safeguards Transfer Agreement shall be suspended during the time and to the extent that the Treaty Safeguards Agreement is in force and safeguards specified in the Treaty Safeguards Agreement are being applied by the Agency.

2. The Agreement between the International Atomic Energy Agency and the Government of the United States of America for the application of safeguards in the United States of America (hereinafter referred to as the "US-IAEA Safeguards Agreement") [6], which was approved by the Board of Governors of the Agency on 17 September 1976, shall be applied as therein provided, when it enters into force, and the application of safeguards in the United States of America pursuant to the Safeguards Transfer Agreement shall be suspended during the time and to the extent that the USA-IAEA Safeguards Agreement is in force and safeguards specified therein are being applied by the Agency.

3. In the event that Portugal intends to exercise its discretion in accordance with Article 14 of the Treaty Safeguards Agreement to use nuclear material required to be safeguarded under that agreement in a military activity not proscribed by the Treaty, Portugal will satisfy the Agency and the United States that such material is not subject to the guarantees made by Portugal in Article X of the Agreement for Co-operation. Moreover, Portugal will satisfy the United States that no material, including equipment and devices, transferred to Portugal under the Agreement for Co-operation will be involved in such use.

4. This Protocol shall enter into force upon signature by or for the Director General of the Agency and by the authorized representatives of Portugal and the United States.

DONE in Vienna on the twenty-third day of September 1980 in triplicate in the English language.

For the INTERNATIONAL ATOMIC ENERGY AGENCY:

(signed) Sigvard Eklund

For the GOVERNMENT OF PORTUGAL:

(signed) Antonio Novais Machado

For the GOVERNMENT OF THE UNITED STATES OF AMERICA:

(signed) Gerard C. Smith

[6] The USA-Agency Safeguards Agreement entered into force on 9 December 1980 and is reproduced in document INFCIRC/288.