



International Atomic Energy Agency

INFORMATION CIRCULAR

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THE TEXT OF THE SAFEGUARDS AGREEMENT RELATING TO
THE BILATERAL AGREEMENT BETWEEN SWITZERLAND
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 28 February 1972 between the Agency, Switzerland and the United States of America, which relates to the Agreement of 30 December 1965 as amended on 2 November 1973, 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/161.

PROTOCOL TO SUSPEND THE APPLICATION OF SAFEGUARDS
PURSUANT TO THE AGREEMENT BETWEEN THE INTER-
NATIONAL ATOMIC ENERGY AGENCY, THE GOVERNMENT
OF SWITZERLAND 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 PURSUANT 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 Switzerland (hereinafter referred to as "Switzerland"), 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 Switzerland and the Government of the United States of America for the application of safeguards, signed on 28 February 1972 (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 Switzerland concerning civil uses of atomic energy signed on 30 December 1965, as amended[3] on 2 November 1973 (hereinafter referred to as the "Agreement for Co-operation"), 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 Switzerland, 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 IX of the Agreement for Co-operation, Switzerland has guaranteed that no material, including equipment and devices, transferred to Switzerland 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] Amended text reproduced in United States Treaties and Other International Agreements, Vol. 25, under number TIAS 7773.

[4] Reproduced in document INFCIRC/140.

[5] Reproduced in document INFCIRC/264.

HAVE AGREED:

1. The Treaty Safeguards Agreement shall be applied as therein provided and the application of safeguards in Switzerland pursuant to the Safeguards Transfer Agreement shall be suspended during the time 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 US-IAEA Safeguards Agreement is in force and safeguards specified therein are being applied by the Agency.
3. In the event that Switzerland 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, Switzerland will satisfy the Agency and the United States that such material is not subject to the guarantees made by Switzerland in Article IX of the Agreement for Co-operation. Moreover, Switzerland will satisfy the United States that no material, including equipment and devices, transferred to Switzerland 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 Switzerland and the United States.

DONE in Vienna this 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 SWITZERLAND:

(signed) J. A. Iselin

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.