

Information Circular

INFCIRC/231/Mod.1

Date: 25 April 2007

General Distribution

English

Original: Spanish

Agreement of 2 October 1974 between Ecuador and the Agency for the Application of Safeguards in Connection with the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Treaty on the Non-Proliferation of Nuclear Weapons

An agreement by Exchange of Letters with Ecuador 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 of 2 October 1974 between the Republic of Ecuador and the International Atomic Energy Agency for the Application of Safeguards in Connection with the Treaty for the Prohibition of Nuclear Weapons in Latin America and 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 7 April 2006, the date on which the Agency received Ecuador's affirmative reply.

¹ Referred to as the "Small Quantities Protocol".

² Reproduced in document INFCIRC/231.

REPUBLIC OF ECUADOR
MINISTRY OF FOREIGN AFFAIRS

No. 14242/06/GM/DGMOI/OE

Quito, 6 April 2006

Sir,

I have the honour to refer to the letter of 13 December 2005 signed by Mr. Vilmos Cserveny, Director of the IAEA Office of External Relations and Policy Coordination, which reads:

"I have the honour to refer to the Agreement of 2 October 1974 between the Republic of Ecuador and the International Atomic Energy Agency (IAEA) for the Application of Safeguards in Connection with the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Treaty on the Non-Proliferation of Nuclear Weapons, and to the Protocol thereto (hereinafter referred to as "the Small Quantities Protocol")(INFCIRC/231), which entered into force on 10 March 1975, as well as to the decision of the IAEA Board of Governors of 20 September 2005 related to such protocols.

In his report entitled "Strengthening safeguards implementation in States with Small Quantities Protocols", the IAEA Director General, Dr. Mohamed ElBaradei, drew attention to the Agency's need to receive initial reports on nuclear material, to obtain information on planned or existing nuclear facilities, and to be able to perform inspection activities in the field, if required, for all States with comprehensive safeguards agreements. He explained that the Small Quantities Protocols currently had the effect of holding such authority in abeyance.

The Board agreed with the Director General's assessment and, on the basis of the Director General's report, concluded that the Small Quantities Protocol in its present form was a weakness in the Agency's safeguards system. It decided that the Small Quantities Protocol should remain part of the Agency's safeguards system, subject to the modifications in the standardized text and the change in the criteria for a Small Quantities Protocol as proposed in the Director General's report. The Board also decided that, henceforth, it would approve only texts for such protocols based on a revised standardized text and subject to modified criteria.

The Board 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 the Republic of Ecuador

- (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 of 2 October 1974 between the Republic of Ecuador and the International Atomic Energy Agency for*

Dr. Mohamed ElBaradei
Director General
IAEA, Vienna

the Application of Safeguards in Connection with the Treaty for the Prohibition of Nuclear Weapons in Latin America and 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, the Republic of Ecuador 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 1 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.

If this proposal is acceptable to your Government, this letter and your Government's affirmative reply shall constitute an agreement between Ecuador 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, Sir, the assurances of my highest consideration."

In this regard, I have the honour to confirm, on behalf of the Government of the Republic of Ecuador, the acceptance of the proposal contained in the letter reproduced above and to agree that it and the present letter of reply shall constitute an agreement between Ecuador and the IAEA amending the Small Quantities Protocol.

Accept, Sir, etc.

(signed) Francisco Carrión Mena
Minister of Foreign Affairs of Ecuador

[Stamp]



IAEA

الوكالة الدولية للطاقة الذرية

International Atomic Energy Agency

Agence internationale de l'énergie atomique

Mezsgyei Nemzetközi Atomenergia-ügynökség

Съединеное Международное Атомное Агентство

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H.E. Mr. Byron Morejón-Almeida
Ambassador
Permanent Mission of Ecuador to the IAEA
Goldschmiedgasse 10/2/24
1010 Vienna, Austria

13 December 2005

Dear Sir,

I have the honour to refer to the Agreement of 2 October 1974 between the Republic of Ecuador and the International Atomic Energy Agency for the Application of Safeguards in Connection with the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Treaty on the Non-Proliferation of Nuclear Weapons, and to the Protocol thereto (hereinafter referred to as "the Small Quantities Protocol") (INFCIRC/231), which entered into force on 10 March 1975, as well as to the decision of the IAEA Board of Governors of 20 September 2005 related to such protocols.

In his report entitled "Strengthening safeguards implementation in States with Small Quantities Protocols", the IAEA Director General, Dr. Mohamed ElBaradei, drew attention to the Agency's need to receive initial reports on nuclear material, to obtain information on planned or existing nuclear facilities, and to be able to perform inspection activities in the field, if required, for all States with comprehensive safeguards agreements. He explained that the Small Quantities Protocols currently had the effect of holding such authority in abeyance.

The Board agreed with the Director General's assessment and, on the basis of the Director General's report, concluded that the Small Quantities Protocol in its present form was a weakness in the Agency's safeguards system. It decided that the Small Quantities Protocol should remain part of the Agency's safeguards system, subject to the modifications in the standardized text and the change in the criteria for a Small Quantities Protocol as proposed in the Director General's report. The Board also decided that, henceforth, it would approve only texts for such protocols based on a revised standardized text and subject to modified criteria.

The Board 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 the Republic of Ecuador
 - 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 of 2 October 1974 between the Republic of Ecuador and the International Atomic Energy Agency for the Application of Safeguards in Connection with the Treaty for the Prohibition of Nuclear Weapons in Latin America and 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, the Republic of Ecuador 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.

If this proposal is acceptable to your Government, this letter and your Government's affirmative reply shall constitute an agreement between Ecuador 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, Sir, the assurances of my highest consideration.

For the DIRECTOR GENERAL

(Signed)

Vilmos Cserveny
Director, Office of External
Relations and Policy Coordination



IAEA

الوكالة الدولية للطاقة الذرية

国际原子能机构

International Atomic Energy Agency

Agence internationale de l'énergie atomique

Международное агентство по атомной энергии

Organismo Internacional de Energía Atómica

Atoms For Peace

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Al Excelentísimo
Señor Ramón Quiñones
Embajador
Misión Permanente de la República Dominicana
ante el OIEA
Prinz Eugen Strasse 18/1/33
A- 1040 Vienna

2006-09-01

Sir,

I have the honour to refer to the Agreement between your Government and the International Atomic Energy Agency (IAEA) for the Application of Safeguards in Connection with the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Treaty on the Non-Proliferation of Nuclear Weapons, and to the Protocol thereto (hereinafter referred to as "the Small Quantities Protocol"), which entered into force on 11 October 1973, as well as to the decisions by the IAEA Board of Governors of 20 September 2005 related to such protocols.

In his report entitled "Strengthening safeguards implementation in States with Small Quantities Protocols", the IAEA Director General, Dr. Mohamed ElBaradei, drew attention to the IAEA's need to receive initial reports on nuclear material, to obtain information on planned or existing nuclear facilities; and to be able to perform inspection activities in the field, if required, for all States with comprehensive safeguards agreements. He explained that the small quantities protocols currently had the effect of holding such authority in abeyance.

The Board agreed with the Director General's assessment and, on the basis of the Director General's report, concluded that the small quantities protocol in its present form was a weakness in the IAEA's safeguards system. It decided that the small quantities protocol should remain part of the IAEA's safeguards system, subject to the modifications in the standardized text and the change in the criteria for a small quantities protocol as proposed in the Director General's report. The Board also decided that, henceforth, it would approve only texts for such protocols based on a revised standardized text and subject to modified criteria.

The Board 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 the Dominican Republic
 - (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 the Dominican Republic and the Agency for the Application of Safeguards in Connection with the Treaty for the Prohibition of Nuclear Weapons in Latin

America and 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,

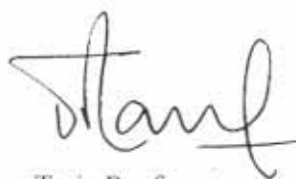
the implementation of the provisions in Part II of the Agreement shall be held in abeyance, with the exception of Articles 32-38, 40, 48, 49, 59, 61, 67, 68, 70, 72-76, 82, 84-90, 94 and 95.

- (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, Dominican Republic 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 (1) 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.

If this proposal is acceptable to your Government, this letter and your Government's affirmative reply shall constitute an agreement between the Dominican Republic 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, Sir, the assurances of my highest consideration.



Tariq Rauf

Acting Director
Office of External Relations
and Policy Coordination

for DIRECTOR GENERAL