

# Information Circular

**INFCIRC/391/Mod.1**

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## The Text of the Agreement between the Government of Tuvalu 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 Tuvalu to amend the Protocol to the Safeguards Agreement**

1. By means of an Exchange of Letters, an agreement was reached between the Government of Tuvalu and the International Atomic Energy Agency to amend paragraph I of the Protocol<sup>1</sup> to the Agreement between the Government of Tuvalu and the International Atomic Energy Agency for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons.<sup>2</sup> The text of the amended paragraph 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 1 December 2022, the date on which the Agency received the Government of Tuvalu's affirmative reply to the Agency's letter proposing to amend the Protocol, dated 8 September 2020.

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<sup>1</sup> Referred to as the "Small Quantities Protocol".

<sup>2</sup> Reproduced in document INFCIRC/391.

I. (1) Until such time as Tuvalu

- (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 Tuvalu 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, Tuvalu 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.