

No. 7165

**INTERNATIONAL ATOMIC ENERGY AGENCY
and
MEXICO**

**Agreement for assistance by the Agency to Mexico in establishing a research reactor project (with annexes).
Signed at Vienna, on 18 December 1963**

Official texts: English and Spanish.

Registered by the International Atomic Energy Agency on 10 March 1964.

**AGENCE INTERNATIONALE DE L'ÉNERGIE ATOMIQUE
et
MEXIQUE**

Accord relatif à l'aide de l'Agence au Mexique pour un réacteur de recherche (avec annexes). Signé à Vienne, le 18 décembre 1963

Textes officiels anglais et espagnol.

Enregistré par l'Agence internationale de l'énergie atomique le 10 mars 1964.

No. 7165. AGREEMENT¹ BETWEEN THE INTERNATIONAL ATOMIC ENERGY AGENCY AND THE GOVERNMENT OF THE UNITED MEXICAN STATES FOR ASSISTANCE BY THE AGENCY TO MEXICO IN ESTABLISHING A RESEARCH REACTOR PROJECT. SIGNED AT VIENNA, ON 18 DECEMBER 1963

WHEREAS the Government of the United Mexican States (hereinafter called "Mexico"), desiring to establish a project for research on, and development and practical application of, atomic energy for peaceful purposes, has requested the assistance of the International Atomic Energy Agency (hereinafter called the "Agency") in securing a training and research reactor which Mexico desires to purchase from a particular manufacturer in the United States of America (hereinafter called the "Manufacturer"), and in securing the special fissionable material necessary for that reactor ;

WHEREAS the Board of Governors of the Agency approved the project on 4 December 1963 ;

WHEREAS the Agency and the Government of the United States of America (hereinafter called the "United States") on 11 May 1959² concluded an Agreement for Co-operation (hereinafter called the "Co-operation Agreement"), under which the United States undertook to make available to the Agency pursuant to its Statute³ certain quantities of special fissionable material, and also undertook, subject to various applicable provisions and licence requirements, to permit, upon request of the Agency, persons under the jurisdiction of the United States to make arrangements to transfer and export materials, equipment or facilities for a Member of the Agency in connection with an Agency project ; and

WHEREAS the Agency, Mexico and the United States Atomic Energy Commission acting on behalf of the United States are this day concluding a contract for the transfer of enriched uranium for the research reactor⁴ (hereinafter called the "Supply Agreement") ;

¹ Came into force on 18 December 1963, upon signature, in accordance with article XI, Section 15.

² United Nations, *Treaty Series*, Vol. 339, p. 359.

³ See footnote 2, p. 336 of this volume.

⁴ See p. 383 of this volume.

NOW THEREFORE the Agency and Mexico hereby agree as follows :

Article I

DEFINITION OF THE PROJECT

Section 1. The project to which this Agreement relates is the establishment of a one-megawatt Triga Mark III training and research reactor (hereinafter called the "reactor") and its associated facilities, to be operated by the Mexican National Nuclear Energy Commission by Salazar, State of Mexico.

Article II

SUPPLY OF REACTOR AND SPECIAL FISSIONABLE MATERIAL

Section 2. The Agency, pursuant to Article IV of the Co-operation Agreement, shall request the United States to permit the transfer and export to Mexico of the reactor, together with components and spare parts, manufactured in accordance with a contract between Mexico and the Manufacturer.

Section 3. The Agency hereby allocates to the project described in Article I, and provides to Mexico enriched uranium (hereinafter called the "supplied material") pursuant to the terms of the Supply Agreement, which constitutes an integral part of this Agreement to the extent that it creates rights and obligations between the Agency and Mexico.

Article III

SHIPMENT OF THE SUPPLIED MATERIAL

Section 4. Any part of the supplied material the shipment of which is arranged by Mexico while the material is in its possession shall be entrusted to a licensed public carrier selected by Mexico or shall be accompanied by a responsible person designated by Mexico.

Article IV

AGENCY SAFEGUARDS AGAINST DIVERSION

Section 5. Mexico agrees that the reactor and the supplied material, and any special fissionable material produced by their use, shall not be used in such a way as to further any military purpose.

Section 6. It is hereby agreed and specified that the rights and responsibilities provided for in paragraph A of Article XII of the Statute of the Agency are relevant to the project, provided that sub-paragraphs 1, 3, 4 and 6 of that paragraph shall be implemented in accordance with Annex A to this Agreement.

Article V

HEALTH AND SAFETY MEASURES

Section 7. The health and safety measures specified in Annex B shall be applied to the project.

Article VI

CHANGES IN THE PROJECT

Section 8. Should Mexico desire to use or store the supplied material outside the reactor and its associated facilities, or to use significant amounts of other source or special fissionable material in the reactor, or to process or to arrange for the processing of any supplied or produced material, or to send any such material out of Mexico or to change the design of the reactor or its associated facilities, then Mexico shall inform the Agency sufficiently in advance to permit the Agency to prepare any appropriate safeguards provisions and health and safety measures before the operation in question takes place. Subject to paragraph A of Article XII of the Statute and to any relevant principles that have been or may be established thereunder, such provisions and measures shall be determined by the Board of Governors of the Agency after the Director General of the Agency has consulted with Mexico. Mexico hereby agrees to comply with any provisions and measures thus established and to co-operate with the Agency in their application.

Article VII

AGENCY INSPECTORS

Section 9. The provisions relating to Agency inspectors shall be those set forth in the Annex to Agency document GC(V)/INF/39. In connection with the project to which this Agreement refers, Mexico shall apply the relevant provisions of the Agreement on the Privileges and Immunities of the International Atomic Energy Agency¹ to Agency inspectors and to any property of the Agency used by them in carrying out their functions, it being understood that :

- (a) The Agency shall not be entitled to acquire immovable property in Mexican territory, in view of the property regulation laid down by the Political Constitution of the United Mexican States ; and
- (b) Such inspectors (whether officials or experts) as are of Mexican nationality shall enjoy, in the exercise of their functions in Mexican territory, exclusively those prerogatives included in Section 18 (a), sub-paragraphs (i), (iii), (v) and (vi), and

¹ United Nations, *Treaty Series*, Vol. 374, p. 147 ; Vol. 396, p. 352 ; Vol. 399, p. 296 ; Vol. 412, p. 353 ; Vol. 456, p. 502, and Vol. 463, p. 362.