

No. 8318

**INTERNATIONAL ATOMIC ENERGY AGENCY,
CANADA and JAPAN**

**Agreement for the application of agency safeguards in respect
of the Bilateral Agreement between those Governments
for co-operation in the peaceful uses of atomic energy
(with annex). Signed at Vienna, on 20 June 1966**

Official texts: English and French.

Registered by the International Atomic Energy Agency on 20 September 1966.

**AGENCE INTERNATIONALE DE L'ÉNERGIE ATOMIQUE,
CANADA et JAPON**

**Accord relatif à l'application des garanties prévues dans
l'Accord bilatéral de coopération conclu entre ces Gou-
vernements pour l'utilisation de l'énergie atomique à
des fins pacifiques (avec annexe). Signé à Vienne, le
20 juin 1966**

Textes officiels anglais et français.

Enregistré par l'Agence internationale de l'énergie atomique le 20 septembre 1966.

No. 8318. AGREEMENT¹ BETWEEN THE INTERNATIONAL ATOMIC ENERGY AGENCY, THE GOVERNMENT OF CANADA AND THE GOVERNMENT OF JAPAN FOR THE APPLICATION OF AGENCY SAFEGUARDS IN RESPECT OF THE BILATERAL AGREEMENT² BETWEEN THOSE GOVERNMENTS FOR CO-OPERATION IN THE PEACEFUL USES OF ATOMIC ENERGY. SIGNED AT VIENNA, ON 20 JUNE 1966

WHEREAS the Government of Canada (hereinafter called "Canada") and the Government of Japan (hereinafter called "Japan") entered into an Agreement for Cooperation in the Peaceful Uses of Atomic Energy (hereinafter called the "Cooperation Agreement") supplemented by a Protocol³ and by Agreed Minutes, all of which were signed on 2 July 1959, in which Agreement it is provided that it is the intention of the Governments to avail themselves of the safeguards facilities created by the International Atomic Energy Agency (hereinafter called the "Agency");

WHEREAS the Agency is prepared to assume the responsibility of administering safeguards in respect of bilateral arrangements between Member States in accordance with Article XII of its Statute³ and with its safeguards system set forth in Agency documents INFCIRC/66 (hereinafter called the "Safeguards Document") and GC (V)/INF/39, Annex (hereinafter called the "Inspectors Document"); and

WHEREAS Canada and Japan have requested the Agency to administer safeguards in respect of the Cooperation Agreement and the Board of Governors of the Agency (hereinafter called the "Board") has acceded to that request on 17 September 1965;

The Agency, Canada and Japan agree as follows :

Article I

UNDERTAKINGS BY THE GOVERNMENTS AND THE AGENCY

Section 1. Japan undertakes in accordance with the Cooperation Agreement that it will not use in such a way as to further any military purpose any nuclear materials or reactors which are subject to the Cooperation Agreement and listed in the inventory, provided for in Section 11 (hereinafter referred to as the "Inventory"), for Japan.

¹ Came into force on 20 June 1966, upon signature, in accordance with Section 26.

² United Nations, *Treaty Series*, Vol. 383, p. 243.

³ United Nations, *Treaty Series*, Vol. 276, p. 3, and Vol. 471, p. 334.

Section 2. Canada undertakes in accordance with the Cooperation Agreement that it will not use in such a way as to further any military purpose any nuclear materials or reactors which are subject to the Cooperation Agreement and listed in the Inventory for Canada.

Section 3. The Agency hereby undertakes to apply safeguards during the term of and in accordance with the provisions of this Agreement to materials, and in connection therewith to facilities, while they are listed in either Inventory, in order to ascertain whether the undertakings of each Government are being fulfilled, provided that safeguards shall not be applied to nuclear material exempted from safeguards pursuant to Section 12 or to nuclear material while safeguards are suspended with respect to it pursuant to Section 12.

Section 4. Canada and Japan undertake to facilitate the application of such safeguards and to co-operate with the Agency and each other to that end.

Section 5. The respective rights and obligations of Canada and Japan arising from sub-paragraphs (b) (ii), (b) (iii) and (d) of Article III and paragraphs 1 and 4 of Article IV of the Cooperation Agreement shall be suspended in respect of:

- (a) Nuclear material and reactors while they are listed in either Inventory;

- (b) Nuclear material with regard to which safeguards have been terminated pursuant to Section 12; and

- (c) Non-nuclear material and equipment while they are contained in any reactor listed in either Inventory.

If the Board determines, pursuant to Section 17, that the Agency is unable to apply safeguards to any such material or reactor, it shall be removed from the Inventory until the Board determines that the Agency is able to apply safeguards to it. In such case the Agency may, at the request of the other Government, provide it with information available to the Agency about such material or reactor in order to enable that Government to exercise effectively any rights it may have with regard thereto.

Section 6. Canada and Japan shall promptly notify the Agency of any amendment to the Cooperation Agreement and of any notice of termination given with regard to that Agreement.

Article II

APPLICATION OF SAFEGUARDS BY THE AGENCY

Section 7. Canada and Japan shall jointly notify the Agency of any transfer between them under the Cooperation Agreement of any nuclear material or any reactor. Such notification is to be submitted :

(a) If the transfer took place before the entry into force of this Agreement, within 30 days of the date of such entry into force, after taking full account of :

- (i) Any burn-up or loss of transferred material;
- (ii) Any nuclear material produced or used in a transferred reactor or produced in or by the use of any transferred nuclear material;

if such transferred, produced or used material is still within the jurisdiction of the Receiving Government;

(b) If the transfer takes place after the entry into force of this Agreement, normally within two weeks of the transfer to the jurisdiction of the Receiving Government; in addition the Transferring Government shall inform the Agency not later than at the date of dispatch of any transfer to the Receiving Government. The provisions of this sub-section shall however not apply to :

- (i) Transfer of reactors or materials already listed in parts (a)-(d) of either Inventory which shall instead be notified to the Agency normally not less than two weeks before such transfer is due to take place, in order to enable the Agency to carry out its responsibilities under paragraph 54 of the Safeguards Document;
- (ii) Transfers of source material in quantities not exceeding one metric ton which may instead be notified at quarterly intervals.

The Transferring Government shall give to the Agency as much advance notice as possible concerning large quantities of materials or any reactor to be notified pursuant to this Section.

Section 8. The notifications made pursuant to Section 7 shall include the type, form and quantity of the materials or the type and power of the reactors, the date of dispatch and the date of receipt, the name and address of the consignee and any other relevant information.

Section 9. The Agency shall list reactors and materials notified pursuant to Section 7 in the Inventory for the Receiving Government, unless within 30 days of receipt of such notification the Agency informs the other Parties that it is unable to apply safeguards thereto, either because it has not established the necessary procedures or for unforeseeable reasons that may emerge. However, in cases of transfers referred to in Section 7 (b) (i) the transferred reactor or material shall be removed from the Inventory for the Transferring Government upon receipt by the Agency of the notification, but transferred special fissionable material listed in part (c) of the Inventory shall be listed in part (c) of the other Inventory.

Section 10. The Government concerned shall notify the Agency before transferring any nuclear material listed in parts (b)-(d) of its Inventory to a principal nuclear facility within its jurisdiction in connection with which the Agency is not applying safeguards and shall submit the design information provided for in paragraph 32 of the Safeguards Document before such transfer takes place to enable the Agency to determine whether it can apply safeguards in connection with the receiving facility. The Government shall also submit to the Agency proposals for the systems of records and reports with respect to the receiving facility in sufficient time to allow the Agency to review them before the records need be kept or the reports need be submitted.

Section 11. The Agency shall establish, separately for Canada and Japan, Inventories of the nuclear material and facilities specified in the Annex hereto. The Inventories shall be maintained on the basis of the joint notifications received and accepted pursuant to Sections 7-9, of the reports received from Canada or Japan pursuant to the safeguards procedures provided for in Section 14 and of any other decisions, determinations and arrangements made pursuant to this Agreement. Nuclear material referred to in part (c) or (d) of the Annex shall be considered as being listed in the appropriate Inventory from the time that it is produced or used within the meaning of those parts. The Agency shall communicate both Inventories to Canada and Japan every twelve months and also within two weeks of a request therefor from Canada or Japan.

Section 12. The Agency shall exempt from safeguards nuclear material under the conditions specified in paragraph 21, 22 or 23 of the Safeguards Document and shall suspend safeguards with respect to nuclear material under the conditions specified in paragraph 24 or 25 of the Document; upon such exemption or suspension, the nuclear material affected shall be transferred to part (e) or (f) of the same Inventory, as appropriate. The Agency shall terminate safeguards with respect to nuclear material under the conditions specified in paragraph 26 of the Document and may make arrangements with Canada or Japan, as appropriate, for termination pursuant to paragraph 27; upon such termination, the nuclear material affected shall be removed from the Inventory.

Section 13. In applying safeguards, the Agency shall observe the principles set forth in paragraphs 9-14 of the Safeguards Document.

Section 14. The procedures for the application of safeguards by the Agency under this Agreement shall be those specified in Part III of the Safeguards Document. The Agency shall make arrangements with each Government concerning the detailed implementation of those procedures.