

No. 8594

UNITED STATES OF AMERICA
and
SWITZERLAND

Agreement for co-operation concerning civil uses of
atomic energy (with appendix). Signed at Wash-
ington, on 30 December 1965

Official texts: English and French.

Registered by the United States of America on 28 March 1967.

ÉTATS-UNIS D'AMÉRIQUE
et
SUISSE

Accord de coopération pour l'utilisation de l'énergie
atomique à des fins pacifiques (avec appendice).
Signé à Washington, le 30 décembre 1965

Textes officiels anglais et français.

Enregistré par les États-Unis d'Amérique le 28 mars 1967.

No. 8594. AGREEMENT¹ FOR CO-OPERATION BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF SWITZERLAND CONCERNING CIVIL USES OF ATOMIC ENERGY. SIGNED AT WASHINGTON, ON 30 DECEMBER 1965

Whereas the Government of the United States of America and the Government of Switzerland signed an "Agreement for Cooperation Concerning Civil Uses of Atomic Energy Between the Government of the United States of America and the Government of Switzerland" on June 21, 1956,² which was amended by the Agreement signed on April 24, 1959,³ and the Agreement signed on June 11, 1960,⁴ and

Whereas the Government of the United States of America and the Government of Switzerland desire to pursue a research and development program looking toward the realization of peaceful and humanitarian uses of atomic energy, including the design, construction, and operation of power-producing reactors and research reactors, and the exchange of information relating to the development of other peaceful uses of atomic energy ; and

Whereas the Government of the United States of America and the Government of Switzerland are desirous of entering into this Agreement to cooperate with each other to attain the above objectives ; and

Whereas the Parties desire this Agreement to supersede the "Agreement for Cooperation Concerning Civil Uses of Atomic Energy Between the Government of the United States of America and the Government of Switzerland", signed on June 21, 1956, as amended ;

The Parties agree as follows :

Article I

A. The "Agreement for Cooperation Concerning Civil Uses of Atomic Energy Between the Government of the United States of America and the Government of Switzerland", signed on June 21, 1956, as amended, is superseded on the date this Agreement enters into force.

B. This Agreement shall enter into force on the date on which each Government shall have received from the other Government written noti-

¹ Came into force on 8 August 1966, the date on which each Government received from the other Government written notification that it had complied with all statutory and constitutional requirements for the entry into force of the Agreement, in accordance with article I (B)

² United Nations, *Treaty Series*, Vol. 279, p. 41

³ United Nations, *Treaty Series*, Vol. 346, p. 346

⁴ United Nations, *Treaty Series*, Vol. 400, p. 396.

fication that it has complied with all statutory and constitutional requirements for the entry into force of such Agreement and shall remain in force for a period of thirty (30) years.

Article II

A. Subject to the provisions of this Agreement, the availability of personnel and material, and the applicable laws, regulations, and license requirements in force in their respective countries, the Parties shall cooperate with each other in the achievement of the uses of atomic energy for peaceful purposes.

B. Restricted Data shall not be communicated under this Agreement and no materials or equipment and devices shall be transferred, and no services shall be furnished, under this Agreement, if the transfer of any such materials or equipment and devices or the furnishing of any such services involves the communication of Restricted Data.

C. This Agreement shall not require the exchange of any information which the Parties are not permitted to communicate because the information is privately owned or has been received from another Government.

Article III

A. Subject to the provisions of Article II, the Parties shall exchange unclassified information with respect to the application of atomic energy to peaceful uses and the problems of health and safety connected therewith. The exchange of information provided for in this Article shall be accomplished through various means available, including reports, conferences, and visits to facilities, and shall include information in the following fields :

- (1) Development, design, construction, operation, and use of research, materials testing, experimental, demonstration power, and power reactors ;
- (2) Health and safety problems related to the operation and use of the types of reactors listed in subparagraph (1) above ; and
- (3) The use of radioactive isotopes and radiation in physical and biological research, medical therapy, agriculture, and industry.

B. Agreed classification, patent, and security policies and practices shall continue to be maintained with respect to all classified information (including any inventions or discoveries employing such information), materials, equipment, and devices which have been exchanged under the superseded Agreement. The Parties intend to consult with each other to review the

extent to which the agreed classification, patent, and security policies and practices referred to above continue to be appropriate and applicable.

Article IV

A. Materials of interest in connection with the subjects of agreed exchange of information, as provided in Article III and subject to the provisions of Article II, including source materials, special nuclear materials, by-product materials, other radioisotopes, and stable isotopes, may be transferred for defined applications other than fueling reactors and reactor experiments in such quantities and under such terms and conditions as may be agreed when such materials are not commercially available.

B. Subject to the provisions of Article II and under such terms and conditions as may be agreed, specialized research facilities and reactor materials testing facilities of the Parties shall be made available for mutual use consistent with the limits of space, facilities, and personnel conveniently available when such facilities are not commercially available.

C. With respect to the subjects of agreed exchange of information as provided in Article III and subject to the provisions of Article II, equipment and devices may be transferred from one Party to the other under such terms and conditions as may be agreed. It is recognized that such transfers will be subject to limitations which may arise from shortages of supplies or other circumstances existing at the time.

Article V

The application or use of any information (including design drawings and specifications) and any material, equipment, and devices, exchanged or transferred between the Parties under this Agreement, shall be the responsibility of the Party receiving it, and the other Party does not warrant the accuracy or completeness of such information and does not warrant the suitability of such information, material, equipment, and devices for any particular use or application.

Article VI

It is contemplated that, as provided in this Article, authorized private individuals and private organizations as well as governmental bodies in either the United States of America or Switzerland may deal directly with authorized private individuals and private organizations as well as governmental bodies in the other country. Accordingly, in connection with the subjects of agreed exchange of information as provided in Article III, it is understood

that either Party and authorized persons under its jurisdiction may make arrangements to transfer and export materials, including special nuclear material, and equipment and devices to, and to perform services for, the other Party and authorized persons under its jurisdiction. Such arrangements shall be subject to :

- (1) the limitations in Article II ; and
- (2) applicable laws, regulations, policies and license requirements of the Parties.

Article VII

A. During the period of this Agreement, the United States Commission will transfer to the Government of Switzerland, under such terms and conditions as the Parties may agree, uranium enriched in the isotope U-235 for use in the fueling of defined research applications, including research reactors, materials testing reactors, reactor experiments, and reactor prototypes, as the Commission may agree to upon request of the Government of Switzerland.

B. In addition, the United States Commission is prepared to sell to the Government of Switzerland all of Switzerland's requirements for uranium enriched in the isotope U-235 for use in the power reactor program described in the Appendix to this Agreement, which Appendix, subject to the quantity limitation established in paragraph E of this Article, may be amended from time to time by mutual consent without modification of this Agreement.

C. The United States Commission is also prepared, to such extent and under such conditions as it may establish, to enter into contracts to provide after December 31, 1968, for the production or enrichment, or both, in facilities owned by the Commission of special nuclear material for the account of the Government of Switzerland for the uses specified in paragraphs A and B above.

D. With respect to transfers of uranium enriched in the isotope U-235 provided for in paragraphs A, B, and C of this Article, it is understood that :

- (1) contracts specifying quantities, enrichments, delivery schedules and other terms and conditions of supply or service will be executed on a timely basis between the United States Commission and the Government of Switzerland ; and
- (2) prices for uranium enriched in the isotope U-235 sold or for services performed and the advance notice required for delivery will be those in effect for users in the United States. The United States Commission may agree to supply enriched uranium or perform enrichment services upon shorter notice, subject to assessment of such surcharge to the usual base price as the United States Commission may consider reasonable