

No. 31263

**INTERNATIONAL ATOMIC ENERGY
AGENCY, ARGENTINA, BRAZIL
and
BRAZILIAN-ARGENTINE AGENCY
FOR ACCOUNTING AND CONTROL
OF NUCLEAR MATERIAL**

**Agreement for the application of safeguards (with protocol).
Signed at Vienna on 13 December 1991**

Authentic text: English.

Registered by the International Atomic Energy Agency on 11 October 1994.

**AGENCE INTERNATIONALE DE L'ÉNERGIE
ATOMIQUE, ARGENTINE, BRÉSIL
et
AGENCE BRASILO-ARGENTINE
DE COMPTABILITÉ ET DE CONTRÔLE
DES MATIÈRES NUCLÉAIRES**

**Accord relatif à l'application de garanties (avec protocole).
Signé à Vienne le 13 décembre 1991**

Texte authentique : anglais.

*Enregistré par l'Agence internationale de l'énergie atomique le 11 octobre
1994.*

AGREEMENT¹ BETWEEN THE REPUBLIC OF ARGENTINA,
THE FEDERATIVE REPUBLIC OF BRAZIL, THE BRAZILIAN-
ARGENTINE AGENCY FOR ACCOUNTING AND CONTROL OF
NUCLEAR MATERIALS AND THE INTERNATIONAL ATOMIC
ENERGY AGENCY FOR THE APPLICATION OF SAFEGUARDS

WHEREAS the Republic of Argentina and the Federative Republic of Brazil (hereinafter referred to as "the States Parties") are parties to the Agreement on the Exclusively Peaceful Utilization of Nuclear Energy (hereinafter referred to as "the SCCC Agreement"),² which established the Common System of Accounting and Control of Nuclear Materials (hereinafter referred to as "the SCCC");

RECALLING the undertakings of the States Parties in the SCCC Agreement;

RECALLING that, pursuant to the SCCC Agreement, none of its provisions shall be interpreted as affecting the inalienable right of the parties thereto to carry out research on, produce and use nuclear energy for peaceful purposes without discrimination and in conformity with Articles I to IV of the SCCC Agreement;

WHEREAS the States Parties are members of the Brazilian-Argentine Agency for Accounting and Control of Nuclear Materials (hereinafter referred to as "ABACC"), to which the implementation of the SCCC has been entrusted;

WHEREAS the States Parties have decided to conclude with the International Atomic Energy Agency (hereinafter referred to as "the Agency") a joint safeguards agreement, with the SCCC as a basis for the agreement;

WHEREAS the States Parties have further voluntarily requested the Agency to apply its safeguards taking into account the SCCC;

WHEREAS it is the desire of the States Parties, ABACC and the Agency to avoid unnecessary duplication of activities;

WHEREAS the Agency is authorized, pursuant to Article III.A.5 of its Statute (hereinafter referred to as "the Statute"), to conclude safeguards agreements at the request of Member States;

NOW THEREFORE the States Parties, ABACC and the Agency have agreed as follows:

¹ Came into force on 4 March 1994, the date upon which the Agency received from the Brazilian-Argentine Agency for Accounting and Control of Nuclear Materials, Argentina and Brazil written notification that their respective requirements had been met, in accordance with article 25.

P A R T I

BASIC UNDERTAKINGS

A r t i c l e 1

The States Parties undertake to accept safeguards, in accordance with the terms of this Agreement, on all nuclear material in all nuclear activities within their territories, under their jurisdiction or carried out under their control anywhere, for the exclusive purpose of verifying that such material is not diverted to nuclear weapons or other nuclear explosive devices.

A r t i c l e 2

- (a) The Agency shall have the right and the obligation to ensure that safeguards will be applied, in accordance with the terms of this Agreement, on all nuclear material in all nuclear activities within the territories of the States Parties, under their jurisdiction or carried out under their control anywhere, for the exclusive purpose of verifying that such material is not diverted to nuclear weapons or other nuclear explosive devices.
- (b) ABACC undertakes, in applying its safeguards on nuclear material in all nuclear activities within the territories of the States Parties, to co-operate with the Agency, in accordance with the terms of this Agreement, with a view to ascertaining that such nuclear material is not diverted to nuclear weapons or other nuclear explosive devices.
- (c) The Agency shall apply its safeguards in such a manner as to enable it to verify, in ascertaining that there has been no diversion of nuclear material to nuclear weapons or other nuclear explosive devices, findings of the SCCC. The Agency's verification shall include, inter alia, independent measurements and observations conducted by the Agency, in accordance with the procedures specified in this Agreement. The Agency, in its verification, shall take due account of the technical effectiveness of the SCCC.

A r t i c l e 3

- (a) The States Parties, ABACC and the Agency shall co-operate to facilitate the implementation of the safeguards provided for in this Agreement.
- (b) ABACC and the Agency shall avoid unnecessary duplication of safeguards activities.

IMPLEMENTATION OF SAFEGUARDS

A r t i c l e 4

The safeguards provided for in this Agreement shall be implemented in a manner designed:

- (a) to avoid hampering the economic and technological development of the States Parties or international co-operation in the field of nuclear activities, including international exchange of nuclear material;

- (b) to avoid undue interference in the States Parties' nuclear activities, and in particular in the operation of facilities;
- (c) to be consistent with prudent management practices required for the economic and safe conduct of nuclear activities; and
- (d) to enable the Agency to fulfill its obligations under this Agreement taking into account the requirement for the Agency to preserve technological secrets.

A r t i c l e 5

- (a) The Agency shall take every precaution to protect any confidential information coming to its knowledge in the implementation of this Agreement.
- (b) (i) The Agency shall not publish or communicate to any State, organization or person any information obtained by it in connection with the implementation of this Agreement, except that specific information relating to the implementation thereof may be given to the Board of Governors of the Agency (hereinafter referred to as "the Board") and to such Agency staff members as require such knowledge by reason of their official duties in connection with safeguards, but only to the extent necessary for the Agency to fulfill its responsibilities in implementing this Agreement.
- (ii) Summarized information on nuclear material subject to safeguards under this Agreement may be published upon decision of the Board if the States Parties directly concerned agree thereto.

A r t i c l e 6

- (a) In implementing safeguards pursuant to this Agreement, full account shall be taken of technological developments in the field of safeguards, and every effort shall be made to ensure optimum cost-effectiveness and the application of the principle of safeguarding effectively the flow of nuclear material subject to safeguards under this Agreement by use of instruments and other techniques at certain strategic points to the extent that present or future technology permits.
- (b) In order to ensure optimum cost-effectiveness, use shall be made, for example, of such means as:
 - (i) containment and surveillance as a means of defining material balance areas for accounting and control purposes;
 - (ii) statistical techniques and random sampling in evaluating the flow of nuclear material; and
 - (iii) concentration of verification procedures on those stages in the nuclear fuel cycle involving the production, processing, use or storage of nuclear material from which nuclear weapons or other nuclear explosive devices could readily be made, and minimization of verification procedures in respect of other nuclear material, on condition that this does not hamper the implementation of this Agreement.

PROVISION OF INFORMATION TO THE AGENCY

Article 7

- (a) In order to ensure the effective implementation of safeguards under this Agreement, ABACC shall, in accordance with the provisions set out in this Agreement, provide the Agency with information concerning nuclear material subject to safeguards under this Agreement and the features of facilities relevant to safeguarding such material.
- (b)
 - (i) The Agency shall require only the minimum amount of information and data consistent with carrying out its responsibilities under this Agreement.
 - (ii) Information pertaining to facilities shall be the minimum necessary for safeguarding nuclear material subject to safeguards under this Agreement.
- (c) If a State Party so requests, the Agency shall be prepared to examine directly on the premises either of that State Party or of ABACC, design information which the State Party regards as being of particular sensitivity. Such information need not be physically transmitted to the Agency provided that it remains readily available for further examination by the Agency on the premises either of that State Party or of ABACC.

AGENCY INSPECTORS

Article 8

- (a)
 - (i) The Agency shall secure the consent of the States Parties through ABACC to the designation of Agency inspectors to the States Parties.
 - (ii) If the States Parties through ABACC, either upon proposal of a designation or at any other time after a designation has been made, object to the designation, the Agency shall propose an alternative designation or designations.
 - (iii) If, as a result of the repeated refusal of the States Parties through ABACC to accept the designation of Agency inspectors, inspections to be conducted under this Agreement would be impeded, such refusal shall be considered by the Board, upon referral by the Director General of the Agency (hereinafter referred to as "the Director General"), with a view to its taking appropriate action.
- (b) ABACC and the States Parties shall take the necessary steps to ensure that Agency inspectors can effectively discharge their functions under this Agreement.
- (c) The visits and activities of Agency inspectors shall be so arranged as:
 - (i) to reduce to a minimum the possible inconvenience and disturbance to the States Parties and ABACC and to the nuclear activities inspected;