

No. 35871. International Atomic Energy Agency and San Marino

AGREEMENT BETWEEN THE REPUBLIC OF SAN MARINO AND THE INTERNATIONAL ATOMIC ENERGY AGENCY FOR THE APPLICATION OF SAFEGUARDS IN CONNECTION WITH THE TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS. VIENNA, 3 MARCH 1995, AND SAN MARINO, 7 SEPTEMBER 1998 [*United Nations, Treaty Series*, vol. 2070, I-35871.]

EXCHANGE OF LETTERS CONSTITUTING AN AGREEMENT TO AMEND THE PROTOCOL TO THE AGREEMENT BETWEEN THE REPUBLIC OF SAN MARINO AND THE INTERNATIONAL ATOMIC ENERGY AGENCY FOR THE APPLICATION OF SAFEGUARDS IN CONNECTION WITH THE TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS. VIENNA, 5 OCTOBER 2010, AND SAN MARINO, 16 DECEMBER 2010

Entry into force: 13 May 2011, in accordance with the provisions of the said letters

Authentic text: English

Registration with the Secretariat of the United Nations: International Atomic Energy Agency, 26 January 2012

N° 35871. Agence internationale de l'énergie atomique et Saint-Marin

ACCORD ENTRE LA RÉPUBLIQUE DE SAINT-MARIN ET L'AGENCE INTERNATIONALE DE L'ÉNERGIE ATOMIQUE RELATIF À L'APPLICATION DE GARANTIES DANS LE CADRE DU TRAITÉ SUR LA NON-PROLIFÉRATION DES ARMES NUCLÉAIRES. VIENNE, 3 MARS 1995, ET SAINT-MARIN, 7 SEPTEMBRE 1998 [*Nations Unies, Recueil des Traités*, vol. 2070, I-35871.]

ÉCHANGE DE LETTRES CONSTITUANT UN ACCORD MODIFIANT LE PROTOCOLE À L'ACCORD ENTRE LA RÉPUBLIQUE DE SAINT-MARIN ET L'AGENCE INTERNATIONALE DE L'ÉNERGIE ATOMIQUE RELATIF À L'APPLICATION DE GARANTIES DANS LE CADRE DU TRAITÉ SUR LA NON-PROLIFÉRATION DES ARMES NUCLÉAIRES. VIENNE, 5 OCTOBRE 2010, ET SAINT-MARIN, 16 DÉCEMBRE 2010

Entrée en vigueur : 13 mai 2011, conformément aux dispositions desdites lettres

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HE Ms Antonella Mularoni

Minister for Foreign and Political Affairs

Secretary of State of Foreign Affairs

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SAN MARINO

2010-10-05

Madam,

I have the honour to refer to my letter of 14 December 2005 addressed to HE Mr Fabio Berardi, Minister for Foreign and Political Affairs of San Marino, and the note verbale dated 27 September 2007 addressed to the Permanent Mission of the Republic of San Marino to the United Nations at New York. Both communications refer to the proposed amendment to the protocol ("Small Quantities Protocol") to San Marino's comprehensive safeguards agreement.

The modification of the standard text and of the criteria for Small Quantities Protocols is an important measure designed to strengthen the IAEA's safeguards system.

The Board of Governors authorized the Director General to conclude with all States with Small Quantities Protocols exchanges of letters giving effect to the revised standardized text and the modified criteria, and called on the States concerned to conclude such exchanges of letters as soon as possible.

It is therefore proposed that paragraph I of the Small Quantities Protocol be amended to read as follows:

I. (I) Until such time as San Marino

(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 San Marino 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,

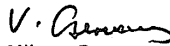
the implementation of the provisions in Part II of the Agreement shall be held in abeyance, with the exception of Articles 32-38, 40, 48, 49, 59, 61, 67, 68, 70, 72-76, 82, 84-90, 94 and 95.

- (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, San Marino 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 I 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.

Since the Board of Governors has called for all such protocols to be amended at an early date, the Secretariat would hope to receive the Government's reply to the Agency's proposal as early as possible. This response should be signed by the Head of State or Government, by the Minister for Foreign Affairs, or by any other representative holding full powers to do so.

If this proposal is acceptable to your Government, this letter and your Government's affirmative reply shall constitute an agreement between San Marino and the IAEA to amend the Small Quantities Protocol accordingly, which amendments shall enter into force on the date that the Agency receives that reply.

Accept, Madam, the assurances of my highest consideration.



Vilmos Cserveny
Assistant Director General
for External Relations and Policy Coordination