

No. 42655. International Atomic Energy Agency and Kyrgyzstan

AGREEMENT BETWEEN THE KYRGYZ REPUBLIC AND THE INTERNATIONAL ATOMIC ENERGY AGENCY FOR THE APPLICATION OF SAFEGUARDS IN CONNECTION WITH THE TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS. VIENNA, 18 MARCH 1998 [*United Nations, Treaty Series, vol. 2366, I-42655.*]

PROTOCOL ADDITIONAL TO THE AGREEMENT BETWEEN THE KYRGYZ REPUBLIC AND THE INTERNATIONAL ATOMIC ENERGY AGENCY FOR THE APPLICATION OF SAFEGUARDS IN CONNECTION WITH THE TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS (WITH ANNEXES). VIENNA, 29 JANUARY 2007

Entry into force: 10 November 2011 by notification, in accordance with article 17

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N° 42655. Agence internationale de l'énergie atomique et Kirghizistan

ACCORD ENTRE LA RÉPUBLIQUE KIRGHIZE 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, 18 MARS 1998 [*Nations Unies, Recueil des Traités, vol. 2366, I-42655.*]

PROTOCOLE ADDITIONNEL À L'ACCORD ENTRE LA RÉPUBLIQUE KIRGHIZE 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 (AVEC ANNEXES). VIENNE, 29 JANVIER 2007

Entrée en vigueur : 10 novembre 2011 par notification, conformément à l'article 17

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Enregistrement auprès du Secrétariat des Nations Unies : Agence internationale de l'énergie atomique, 26 janvier 2012

Protocol Additional to the Agreement between the Kyrgyz Republic and the International Atomic Energy Agency for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons

WHEREAS the Kyrgyz Republic (hereinafter referred to as "Kyrgyzstan") and the International Atomic Energy Agency (hereinafter referred to as the "Agency") are parties to an Agreement for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons (hereinafter referred to as the "Safeguards Agreement"), which entered into force on 3 February 2004;

AWARE OF the desire of the international community to further enhance nuclear non-proliferation by strengthening the effectiveness and improving the efficiency of the Agency's safeguards system;

RECALLING that the Agency must take into account in the implementation of safeguards the need to: avoid hampering the economic and technological development of Kyrgyzstan or international co-operation in the field of peaceful nuclear activities; respect health, safety, physical protection and other security provisions in force and the rights of individuals; and take every precaution to protect commercial, technological and industrial secrets as well as other confidential information coming to its knowledge;

WHEREAS the frequency and intensity of activities described in this Protocol shall be kept to the minimum consistent with the objective of strengthening the effectiveness and improving the efficiency of Agency safeguards;

NOW THEREFORE Kyrgyzstan and the Agency have agreed as follows:

RELATIONSHIP BETWEEN THE PROTOCOL AND THE SAFEGUARDS AGREEMENT

Article 1

The provisions of the Safeguards Agreement shall apply to this Protocol to the extent that they are relevant to and compatible with the provisions of this Protocol. In case of conflict between the provisions of the Safeguards Agreement and those of this Protocol, the provisions of this Protocol shall apply.

PROVISION OF INFORMATION

Article 2

- a. Kyrgyzstan shall provide the Agency with a declaration containing:
- (i) A general description of and information specifying the location of nuclear fuel cycle-related research and development activities not involving nuclear material carried out anywhere that are funded, specifically authorized or controlled by, or carried out on behalf of, Kyrgyzstan.
 - (ii) Information identified by the Agency on the basis of expected gains in effectiveness or efficiency, and agreed to by Kyrgyzstan, on operational activities of safeguards relevance at facilities and at locations outside facilities where nuclear material is customarily used.
 - (iii) A general description of each building on each site, including its use and, if not apparent from that description, its contents. The description shall include a map of the site.
 - (iv) A description of the scale of operations for each location engaged in the activities specified in Annex I to this Protocol.
 - (v) Information specifying the location, operational status and the estimated annual production capacity of uranium mines and concentration plants and thorium concentration plants, and the current annual production of such mines and concentration plants for Kyrgyzstan as a whole. Kyrgyzstan shall provide, upon request by the Agency, the current annual production of an individual mine or concentration plant. The provision of this information does not require detailed nuclear material accountancy.
 - (vi) Information regarding source material which has not reached the composition and purity suitable for fuel fabrication or for being isotopically enriched, as follows:
 - (a) The quantities, the chemical composition, the use or intended use of such material, whether in nuclear or non-nuclear use, for each location in Kyrgyzstan at which the material is present in quantities exceeding ten

metric tons of uranium and/or twenty metric tons of thorium, and for other locations with quantities of more than one metric ton, the aggregate for Kyrgyzstan as a whole if the aggregate exceeds ten metric tons of uranium or twenty metric tons of thorium. The provision of this information does not require detailed nuclear material accountancy;

- (b) The quantities, the chemical composition and the destination of each export out of Kyrgyzstan, of such material for specifically non-nuclear purposes in quantities exceeding:
 - (1) Ten metric tons of uranium, or for successive exports of uranium from Kyrgyzstan to the same State, each of less than ten metric tons, but exceeding a total of ten metric tons for the year;
 - (2) Twenty metric tons of thorium, or for successive exports of thorium from Kyrgyzstan to the same State, each of less than twenty metric tons, but exceeding a total of twenty metric tons for the year;
- (c) The quantities, chemical composition, current location and use or intended use of each import into Kyrgyzstan of such material for specifically non-nuclear purposes in quantities exceeding:
 - (1) Ten metric tons of uranium, or for successive imports of uranium into Kyrgyzstan each of less than ten metric tons, but exceeding a total of ten metric tons for the year;
 - (2) Twenty metric tons of thorium, or for successive imports of thorium into Kyrgyzstan each of less than twenty metric tons, but exceeding a total of twenty metric tons for the year;

it being understood that there is no requirement to provide information on such material intended for a non-nuclear use once it is in its non-nuclear end-use form.

- (vii)
 - (a) Information regarding the quantities, uses and locations of nuclear material exempted from safeguards pursuant to Article 36 of the Safeguards Agreement;
 - (b) Information regarding the quantities (which may be in the form of estimates) and uses at each location, of nuclear material exempted from safeguards pursuant to Article 35(b) of the Safeguards Agreement but not yet in a non-nuclear end-use form, in quantities exceeding those set out in Article 36 of the Safeguards Agreement. The provision of this information does not require detailed nuclear material accountancy.
- (viii) Information regarding the location or further processing of intermediate or high-level waste containing plutonium, high enriched uranium or uranium-233 on which safeguards have been terminated pursuant to Article 11 of the Safeguards

Agreement. For the purpose of this paragraph, "further processing" does not include repackaging of the waste or its further conditioning not involving the separation of elements, for storage or disposal.

- (ix) The following information regarding specified equipment and non-nuclear material listed in Annex II:
 - (a) For each export out of Kyrgyzstan of such equipment and material: the identity, quantity, location of intended use in the receiving State and date or, as appropriate, expected date, of export;
 - (b) Upon specific request by the Agency, confirmation by Kyrgyzstan, as importing State, of information provided to the Agency by another State concerning the export of such equipment and material to Kyrgyzstan.
 - (x) General plans for the succeeding ten-year period relevant to the development of the nuclear fuel cycle (including planned nuclear fuel cycle-related research and development activities) when approved by the appropriate authorities in Kyrgyzstan.
- b. Kyrgyzstan shall make every reasonable effort to provide the Agency with the following information:
- (i) A general description of and information specifying the location of nuclear fuel cycle-related research and development activities not involving nuclear material which are specifically related to enrichment, reprocessing of nuclear fuel or the processing of intermediate or high-level waste containing plutonium, high enriched uranium or uranium-233 that are carried out anywhere in Kyrgyzstan but which are not funded, specifically authorized or controlled by, or carried out on behalf of, Kyrgyzstan. For the purpose of this paragraph, "processing" of intermediate or high-level waste does not include repackaging of the waste or its conditioning not involving the separation of elements, for storage or disposal.
 - (ii) A general description of activities and the identity of the person or entity carrying out such activities, at locations identified by the Agency outside a site which the Agency considers might be functionally related to the activities of that site. The provision of this information is subject to a specific request by the Agency. It shall be provided in consultation with the Agency and in a timely fashion.
- c. Upon request by the Agency, Kyrgyzstan shall provide amplifications or clarifications of any information it has provided under this Article, in so far as relevant for the purpose of safeguards.

Article 3

- a. Kyrgyzstan shall provide to the Agency the information identified in Article 2.a.(i), (iii), (iv), (v), (vi)(a), (vii) and (x) and Article 2.b.(i) within 180 days of the entry into force of this Protocol.