

**No. 46753. International Atomic Energy Agency and India**

AGREEMENT BETWEEN THE GOVERNMENT OF INDIA AND THE INTERNATIONAL ATOMIC ENERGY AGENCY FOR THE APPLICATION OF SAFEGUARDS TO CIVILIAN NUCLEAR FACILITIES. VIENNA, 2 FEBRUARY 2009 [*United Nations, Treaty Series*, vol. 2625, I-46753.]

PROTOCOL ADDITIONAL TO THE AGREEMENT BETWEEN THE GOVERNMENT OF INDIA AND THE INTERNATIONAL ATOMIC ENERGY AGENCY FOR THE APPLICATION OF SAFEGUARDS TO CIVILIAN NUCLEAR FACILITIES (WITH ANNEX). VIENNA, 15 MAY 2009\*

**Entry into force:** 25 July 2014 by notification, in accordance with article 9

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**N° 46753. Agence internationale de l'énergie atomique et Inde**

ACCORD ENTRE LE GOUVERNEMENT INDIEN ET L'AGENCE INTERNATIONALE DE L'ÉNERGIE ATOMIQUE RELATIF À L'APPLICATION DES GARANTIES AUX INSTALLATIONS NUCLÉAIRES CIVILES. VIENNE, 2 FÉVRIER 2009 [*Nations Unies, Recueil des Traités*, vol. 2625, I-46753.]

PROTOCOLE ADDITIONNEL À L'ACCORD ENTRE LE GOUVERNEMENT INDIEN ET L'AGENCE INTERNATIONALE DE L'ÉNERGIE ATOMIQUE RELATIF À L'APPLICATION DES GARANTIES AUX INSTALLATIONS NUCLÉAIRES CIVILES (AVEC ANNEXE). VIENNE, 15 MAI 2009\*

**Entrée en vigueur :** 25 juillet 2014 par notification, conformément à l'article 9

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[ ENGLISH TEXT – TEXTE ANGLAIS ]

PROTOCOL ADDITIONAL TO THE AGREEMENT BETWEEN THE GOVERNMENT  
OF INDIA AND THE INTERNATIONAL ATOMIC ENERGY AGENCY FOR THE  
APPLICATION OF SAFEGUARDS TO CIVILIAN NUCLEAR FACILITIES

WHEREAS the Government of India (hereinafter referred to as "India") and the International Atomic Energy Agency (hereinafter referred to as the "Agency") are parties to an Agreement for the Application of Safeguards to Civilian Nuclear Facilities (hereinafter referred to as the "Safeguards Agreement"), which entered into force on 11 May 2009;

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;

RECOGNIZING that India, in the exercise of its sovereign rights, is prepared to cooperate with the Agency in further development of peaceful uses of nuclear energy;

WHEREAS India, a State with advanced nuclear technology, wishes to expand civil nuclear cooperation for its national development;

RECALLING that the Agency must take into account in the implementation of safeguards the need to: avoid hampering the economic and technological development of India 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 India and the Agency have agreed as follows:

## **RELATIONSHIP BETWEEN THE PROTOCOL AND THE SAFEGUARDS AGREEMENT**

### **Article 1**

- a. 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.
- b. The Protocol shall be implemented in a manner designed to avoid hampering India's economic or technological development and not to hinder or otherwise interfere with any activities involving the use by India of nuclear material, non-nuclear material, equipment, components, information or technology produced, acquired or developed by India outside the scope of the Safeguards Agreement for its own purposes.

## **PROVISION OF INFORMATION**

### **Article 2**

- a. India shall provide the Agency with a declaration under this Protocol containing:
  - (i) The quantities, the chemical composition and the destination of each export out of India of source material which has not reached the composition and purity suitable for fuel fabrication or for being isotopically enriched, as follows:
    - (a) Ten metric tons of uranium, or for successive exports of uranium from India to the same State, each of less than ten metric tons, but exceeding a total of ten metric tons for the year;
    - (b) Twenty metric tons of thorium, or for successive exports of thorium from India to the same State, 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 once it is in its non-nuclear end-use form.
  - (ii) The following information regarding specified equipment and non-nuclear material listed in the Annex hereto:

For each export out of India 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 request by the Agency, India shall provide amplifications or clarifications of any information it has provided under this Article, in so far as relevant for the purpose of safeguards in a State that has accepted comprehensive safeguards.

Article 3

- a. Without prejudice to any other reporting requirements contained in the Safeguards Agreement, India shall provide to the Agency, by 15 May of each year, the information identified in Article 2.a.(i) for the period covering the previous calendar year.
- b. Without prejudice to any other reporting requirements contained in the Safeguards Agreement, India shall provide to the Agency on a quarterly basis the information identified in Article 2.a.(ii). This information shall be provided within sixty days of the end of each quarter.

**DESIGNATION OF AGENCY INSPECTORS**

Article 4

- a.
  - (i) The Director General shall notify India of the Board's approval of any Agency official as a safeguards inspector. Unless India advises the Director General of its rejection of such an official as an inspector for India within three months of receipt of notification of the Board's approval, the inspector so notified to India shall be considered designated to India.
  - (ii) The Director General, acting in response to a request by India or on his own initiative, shall immediately inform India of the withdrawal of the designation of any official as an inspector for India.
- b. A notification referred to in paragraph a. above shall be deemed to be received by India seven days after the date of the transmission by registered mail of the notification by the Agency to India.

**VISAS**

Article 5

India shall, within one month of the receipt of a request therefor, provide the designated inspector specified in the request with appropriate multiple entry/exit and/or transit visas, where required, to enable the inspector to enter and remain on the territory of India for the purpose of carrying out his/her functions. Any visas required shall be valid for at least one year and shall be renewed, as required, to cover the duration of the inspector's designation to India.

**COMMUNICATIONS SYSTEMS**

Article 6

- a. India shall permit and protect free communications by the Agency for official purposes between Agency inspectors in India and Agency Headquarters and/or Regional Offices,

including attended and unattended transmission of information generated by Agency containment and/or surveillance or measurement devices. The Agency shall have, in consultation with India, the right to make use of internationally established systems of direct communications, including satellite systems and other forms of telecommunication, not in use in India. At the request of India or the Agency, details of the implementation of this paragraph with respect to the attended or unattended transmission of information generated by Agency containment and/or surveillance or measurement devices shall be specified in the Subsidiary Arrangements.

- b. Communication and transmission of information as provided for in paragraph a. above shall take due account of the need to protect proprietary or commercially sensitive information or design information which India regards as being of particular sensitivity.

## **PROTECTION OF CONFIDENTIAL INFORMATION**

### *Article 7*

- a. The Agency shall maintain a stringent regime to ensure effective protection against disclosure of commercial, technological and industrial secrets and other confidential information coming to its knowledge, including such information coming to the Agency's knowledge in the implementation of this Protocol.
- b. The regime referred to in paragraph a. above shall include, among others, provisions relating to:
  - (i) General principles and associated measures for the handling of confidential information;
  - (ii) Conditions of staff employment relating to the protection of confidential information;
  - (iii) Procedures in cases of breaches or alleged breaches of confidentiality.
- c. The regime referred to in paragraph a. above shall be approved and periodically reviewed by the Board.

## **ANNEX**

### *Article 8*

- a. The Annex to this Protocol shall be an integral part thereof. Except for the purposes of amendment of the Annex, the term "Protocol" as used in this instrument means the Protocol and the Annex together.