

No. 49368

**Australia
and
Russian Federation**

Agreement between the Government of Australia and the Government of the Russian Federation on cooperation in the use of nuclear energy for peaceful purposes. Sydney, 7 September 2007

Entry into force: *11 November 2010 by notification, in accordance with article XVIII*

Authentic texts: *English and Russian*

Registration with the Secretariat of the United Nations: *Australia, 13 February 2012*

**Australie
et
Fédération de Russie**

Accord entre le Gouvernement de l'Australie et le Gouvernement de la Fédération de Russie relatif à la coopération dans l'utilisation de l'énergie nucléaire à des fins pacifiques. Sydney, 7 septembre 2007

Entrée en vigueur : *11 novembre 2010 par notification, conformément à l'article XVIII*

Textes authentiques : *anglais et russe*

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : *Australie, 13 février 2012*

[ENGLISH TEXT – TEXTE ANGLAIS]

AGREEMENT BETWEEN THE GOVERNMENT OF AUSTRALIA AND THE GOVERNMENT OF THE RUSSIAN FEDERATION ON COOPERATION IN THE USE OF NUCLEAR ENERGY FOR PEACEFUL PURPOSES

THE GOVERNMENT OF AUSTRALIA AND THE GOVERNMENT OF THE RUSSIAN FEDERATION,
(HEREINAFTER REFERRED TO AS "THE PARTIES"),

DESIRING to promote their cooperation in the use of nuclear energy for peaceful purposes;

REAFFIRMING their commitment to ensure that the international development and the use of nuclear energy for peaceful purposes further the objective of the non-proliferation of nuclear weapons;

MINDFUL that Australia and the Russian Federation are parties to the Treaty on the Non-Proliferation of Nuclear Weapons done at Moscow, Washington and London on 1 July 1968;

MINDFUL that the Russian Federation is a nuclear-weapon State and is party to the Agreement between the Government of the Union of the Soviet Socialist Republics and the International Atomic Energy Agency for the application of safeguards in the Union of Soviet Socialist Republics, concluded on 21 February 1985 (hereinafter referred to as "the 1985 Safeguards Agreement");

MINDFUL that Australia, as a non-nuclear-weapon State, has, under the Treaty on the Non-Proliferation of Nuclear Weapons, undertaken not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices and that it is party to the Agreement between Australia and the International Atomic Energy Agency for the application of safeguards in connection with the Treaty on the Non-Proliferation of Nuclear Weapons, concluded on 10 July 1974 (hereinafter referred to as "the 1974 Safeguards Agreement");

REAFFIRMING their support for the objectives and provisions of the Treaty on the Non-Proliferation of Nuclear Weapons and their desire to promote universal adherence to that Treaty;

REAFFIRMING their support for the International Atomic Energy Agency (hereinafter referred to as "the IAEA") safeguards system and their desire to work together to ensure its continued effectiveness;

TAKING ACCOUNT of their support for the principles of openness and transparency in matters relating to nuclear energy and the non-proliferation of nuclear weapons;

REAFFIRMING their commitment to the Convention on the Physical Protection of Nuclear Material done at Vienna and New York on 3 March 1980;

REAFFIRMING their commitment to the International Convention for the Suppression of Acts of Nuclear Terrorism done at New York on 14 September 2005;

HAVE AGREED as follows:

Article I

For the purposes of this Agreement:

"component" means a component part of equipment or other item, so designated by agreement of the Parties in writing through diplomatic channels;

"Eligible Facilities List" means the nuclear fuel cycle facilities list provided to the IAEA, designating those facilities eligible for IAEA safeguards in accordance with the 1985 Safeguards Agreement;

“equipment” means those items listed in IAEA document INFCIRC/254/Rev.8/Part 1, as amended from time to time. Any such amendment shall have effect under this Agreement only when both Parties have informed each other in writing through diplomatic channels that they accept such amendment;

“intellectual property” shall have the meaning set out in Article 2 of the Convention Establishing the World Intellectual Property Organization, done at Stockholm on 14 July 1967;

“material” means any non-nuclear materials listed in IAEA document INFCIRC/254/Rev.8/Part 1, as amended from time to time. Any such amendment shall have effect under this Agreement only when both Parties have informed each other in writing through diplomatic channels that they accept such amendment;

“peaceful purpose” includes the use of nuclear material, material, equipment, components and technology in such fields as electric power generation, medicine, agriculture and industry, but does not include research on or development of any explosive devices, or any military purpose. Military purpose does not include provision of power for a military base drawn from any power network, production of radioisotopes to be used for medical purposes in a military hospital, or other similar purposes as may be mutually agreed by the Parties in writing through diplomatic channels;

“nuclear material” means any “source material” or “special fissionable material” as those terms are defined in Article XX of the Statute of the IAEA. Any determination by the Board of Governors of the IAEA under Article XX of the Statute of the IAEA which amends the list of materials considered to be “source material” or “special fissionable material” shall have effect under this Agreement only when both Parties have informed each other in writing through diplomatic channels that they accept such amendment;

“technology” has the meaning provided in IAEA document INFCIRC/254/Rev.8/Part 1, as amended from time to time. Any such amendment shall have effect under this Agreement only when both Parties have informed each other in writing through diplomatic channels that they accept such amendment.

Article II

1. The Parties shall encourage and facilitate cooperation in the peaceful uses of nuclear energy in accordance with the provisions of this Agreement.
2. The Parties shall collaborate in transfers of nuclear material, material, equipment, components and technology.
3. Cooperation under this Agreement covers the following areas of peaceful use of nuclear energy:
 - i) basic and applied research;
 - ii) scientific, technical and industrial research and development;
 - iii) development, design, construction, operation and decommissioning of research reactors, nuclear power plants and other nuclear fuel cycle facilities;
 - iv) utilization of nuclear reactors for electric power production, sea water desalination and heat production;
 - v) management of spent fuel and radioactive waste;
 - vi) nuclear safety, radiation protection and protection of the environment;
 - vii) safeguards, and physical protection of nuclear material and facilities;
 - viii) use of radioisotopes and radiation in agriculture, industry, medicine and environmental research;

- ix) geological and geophysical exploration, development, production, further processing and use of uranium resources;
- x) regulatory aspects of the peaceful uses of nuclear energy; and
- xi) other areas of cooperation as may be agreed by the Parties in writing through diplomatic channels.

4. Cooperation in specific areas outlined in paragraph 3 of this Article may be implemented as necessary through arrangements between a legal entity of Australia and a legal entity of the Russian Federation which the respective competent authority notifies the other competent authority as being duly authorised to implement such cooperation. Any such arrangements shall include provisions dealing with intellectual property rights protection where such rights exist or arise.

Article III

1. Cooperation referred to in paragraph 3 of Article II of this Agreement may be undertaken in the following forms:

- i) exchange of scientific and technical information;
- ii) training of personnel, including professional and advanced training for administrative, scientific and technical personnel;
- iii) organization of symposia and seminars;
- iv) organization of joint projects and establishment of joint ventures;
- v) establishment of bilateral working groups for implementation of the joint projects;
- vi) supply of nuclear fuel cycle services including uranium conversion and isotopic enrichment;
- vii) trade and commercial cooperation relating to the nuclear fuel cycle;
- viii) transfer of industrial equipment and industrial technology and
- ix) other forms of cooperation as may be agreed by the Parties in writing through diplomatic channels.

Article IV

1. For the purpose of implementing this Agreement the Parties shall nominate competent authorities. For the Government of Australia the competent authority will be the Australian Safeguards and Non-Proliferation Office and for the Government of the Russian Federation the competent authority will be the Federal Atomic Energy Agency.

2. Notwithstanding paragraph 1 of this Article, the Parties may nominate other competent authorities for coordination of cooperation in the specific areas referred to in paragraph 3 of Article II of this Agreement. A Party shall notify the other Party in writing through diplomatic channels where it nominates a competent authority for such purpose.

3. A Party shall notify the other Party in writing through diplomatic channels of a change to a competent authority.

Article V

1. This Agreement shall apply to:

- i) all nuclear material transferred between Australia and the Russian Federation whether the nuclear material is transferred directly or through a third State;
- ii) all forms of nuclear material prepared by chemical or physical processes or isotopic separation from nuclear material subject to this Agreement: if nuclear material subject to this Agreement is mixed with other nuclear material, the quantity of nuclear material so prepared which falls within the scope of this Agreement shall be an amount equivalent to the proportion which the nuclear material subject to this Agreement bears to the total quantity of nuclear material;
- iii) all generations of nuclear material produced by neutron irradiation of nuclear material subject to this Agreement: if nuclear material subject to this Agreement is irradiated together with other nuclear material, the proportion of nuclear material so produced which falls within the scope of this Agreement shall be equal to the proportion of the nuclear material irradiated that is subject to this Agreement;
- iv) material, equipment, components and technology transferred between Australia and the Russian Federation, whether directly or through a third State;
- v) nuclear material where material, equipment or components subject to this Agreement have a direct and major connection to the production, processing or use of that nuclear material; and
- vi) equipment produced by the use or by the application of technology transferred in accordance with this Agreement.

2. Nuclear material, material, equipment, components and technology subject to this Agreement shall be transferred only to a legal entity of Australia or the Russian Federation which the competent authority of the receiving Party notifies the competent authority of the supplying Party as being duly authorised to receive such nuclear material, material, equipment, components and technology.

Article VI

1. Nuclear material, material, equipment, components and technology subject to this Agreement shall remain subject to the provisions of this Agreement until:

- i) it is no longer usable for any nuclear activity; or
- ii) it is practicably irrecoverable for processing into a form in which it is usable for any nuclear activity; or
- iii) it has been transferred beyond the territory of Australia or beyond the territory of the Russian Federation in accordance with Article X of this Agreement; or
- iv) the Parties otherwise agree in writing through diplomatic channels.

2. For the purpose of determining when nuclear material subject to this Agreement is no longer usable for any nuclear activity or is practicably irrecoverable for processing into a form in which it is usable for any nuclear activity, both Parties shall apply any relevant determination made by the IAEA in accordance with the safeguards agreement between the Party concerned and the IAEA. In the absence of a determination by the IAEA, a determination may be made by mutual decision of the competent authorities, in accordance with the principles applied by the IAEA for this purpose.