

**No. 50010**

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**Japan  
and  
Kazakhstan**

**Agreement between the Government of Japan and the Government of the Republic of Kazakhstan for cooperation in the peaceful uses of nuclear energy (with annexes, agreed minutes and exchanges of notes, Tokyo, 6 April 2011). Tokyo, 2 March 2010**

**Entry into force:** *6 May 2011, in accordance with article 14*

**Authentic text:** *English*

**Registration with the Secretariat of the United Nations:** *Japan, 9 August 2012*

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**Japon  
et  
Kazakhstan**

**Accord de coopération entre le Gouvernement du Japon et le Gouvernement de la République du Kazakhstan concernant l'utilisation de l'énergie nucléaire à des fins pacifiques (avec annexes, procès-verbal agréé et échanges de notes, Tokyo, 6 avril 2011). Tokyo, 2 mars 2010**

**Entrée en vigueur :** *6 mai 2011, conformément à l'article 14*

**Texte authentique :** *anglais*

**Enregistrement auprès du Secrétariat des Nations Unies :** *Japon, 9 août 2012*

[ ENGLISH TEXT – TEXTE ANGLAIS ]

AGREEMENT  
BETWEEN THE GOVERNMENT OF JAPAN  
AND THE GOVERNMENT OF THE REPUBLIC OF KAZAKHSTAN  
FOR COOPERATION IN THE PEACEFUL USES OF NUCLEAR ENERGY

The Government of Japan and the Government of the Republic of Kazakhstan (hereinafter referred to as "the Parties");

Desiring to continue to cooperate in the field of the peaceful uses of nuclear energy;

Considering the close cooperation between Japan and the Republic of Kazakhstan in the peaceful uses of nuclear energy under the Agreement between the Government of Japan and the Government of the Union of Soviet Socialist Republics for Cooperation in the Field of the Peaceful Uses of Nuclear Energy, done on April 18, 1991 (hereinafter referred to as "the previous Agreement"), which has been applied between the Parties;

Considering also that both Japan and the Republic of Kazakhstan are parties to the Treaty on the Non-Proliferation of Nuclear Weapons, done on July 1, 1968 (hereinafter referred to as "the Non-Proliferation Treaty");

Recognizing that both Japan and the Republic of Kazakhstan are members of the International Atomic Energy Agency (hereinafter referred to as "the Agency");

Noting that safeguards by the Agency are applied in Japan in accordance with the Agreement between the Government of Japan and the International Atomic Energy Agency in Implementation of Article III.1 and 4 of the Treaty on the Non-Proliferation of Nuclear Weapons, done on March 4, 1977 as supplemented by an Additional Protocol, done on December 4, 1998 (hereinafter referred to as "the Safeguards Agreement for Japan");

Noting also that safeguards by the Agency are applied in the Republic of Kazakhstan in accordance with the Agreement between the Republic of Kazakhstan and the International Atomic Energy Agency for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons, done on July 26, 1994 as supplemented by an Additional Protocol, done on February 6, 2004 (hereinafter referred to as "the Safeguards Agreement for the Republic of Kazakhstan"); and

Mindful that both Parties are Participating Governments of the Nuclear Suppliers Group;

Have agreed as follows:

ARTICLE 1

For the purposes of this Agreement:

- (a) The term "person" means any individual or entity, but does not include the Parties;
- (b) The term "nuclear material" means
  - (i) source material, namely, uranium containing the mixture of isotopes occurring in nature; uranium depleted in the isotope 235; thorium; any of the foregoing in the form of metal, alloy, chemical compound or concentrate; any other substance containing one or more of the foregoing in such concentration as may be agreed to by the Parties; and such other substances as may be agreed to by the Parties; and
  - (ii) special fissionable material, namely, plutonium, uranium-233, uranium enriched in the isotope 233 or 235; any substance containing one or more of the foregoing; and such other substances as may be agreed to by the Parties. Special fissionable material does not include source material;
- (c) The term "special non-nuclear material" means substances for use in a nuclear reactor which are specified in Part A of Annex A to this Agreement, but does not include "nuclear material";
- (d) The term "equipment" means major items of machinery, plant or instrumentation, or major components thereof, which are specially designed or prepared for use in nuclear activities, and which are specified in Part B of Annex A to this Agreement;

- (e) The term "technology" means specific information required for the development, production or use of any nuclear material, special non-nuclear material or equipment, excluding information which has been made available without restrictions upon its further dissemination. Basic scientific research information may also be excluded, if specified and agreed in writing by the Parties. This specific information may take the form of technical data which includes blueprints, plans, diagrams, models, formulae, engineering designs and specifications, manuals and instructions written or recorded on other media or devices such as disk, tape and read-only memories. It may also take the form of technical assistance which includes instruction, skills, training, working knowledge and consulting services;
- (f) The term "development" referred to in paragraph (e) of this Article means all phases before production such as design, design research, design analysis, design concepts, assembly and testing of prototypes, pilot production schemes, design data, process of transforming design data into a product, configuration design, integration design and layouts;
- (g) The term "production" referred to in paragraphs (e) and (f) of this Article means all activities for producing nuclear material, special non-nuclear material or equipment such as construction, production engineering, manufacture, integration, assembly (mounting), inspection, testing and quality assurance;
- (h) The term "use" referred to in paragraph (e) of this Article means operation, installation including on-site installation, maintenance, checking, repair, overhaul and refurbishing;
- (i) The term "equipment based on technology" means equipment which the Parties agree as produced from the use of technology transferred pursuant to this Agreement;
- (j) The term "nuclear material recovered or produced as a by-product" means
  - (i) nuclear material derived from nuclear material transferred pursuant to this Agreement,

- (ii) nuclear material derived by one or more processes from the use of special non-nuclear material or equipment transferred pursuant to this Agreement or
- (iii) nuclear material which the Parties agree as derived from the use of technology transferred pursuant to this Agreement;
- (k) The term "unclassified information" means information not classified as restricted, confidential, secret or top secret by either of the Parties.

## ARTICLE 2

1. Cooperation under this Agreement for the promotion and development of the peaceful non-explosive uses of nuclear energy in the two states may be undertaken in the following ways:

- (a) exchange of experts;
- (b) exchange of unclassified information, including information relating to nuclear safety, on such terms as may be agreed between the Parties, between persons under their respective jurisdictions, or between either Party and persons under the jurisdiction of the other Party;
- (c) supply from a Party or persons under its jurisdiction authorized by it to the other Party or persons under its jurisdiction authorized by it, of nuclear material, special non-nuclear material, equipment and technology on such terms as may be agreed between the supplier and the recipient;
- (d) provision of services by a Party or persons under its jurisdiction authorized by it and receipt of services by the other Party or persons under its jurisdiction authorized by it, on matters within the scope of this Agreement on such terms as may be agreed between the supplier and the recipient; and
- (e) other ways as may be agreed by the Parties.