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**United States of America
and
Switzerland**

Agreement for co-operation between the Government of the United States of America and the Swiss Federal Council concerning peaceful uses of nuclear energy (with agreed minute and annexes). Bern, 31 October 1997

Entry into force: *23 June 1998 by notification, in accordance with article 22*

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**États-Unis d'Amérique
et
Suisse**

Accord de coopération entre le Gouvernement des États-Unis d'Amérique et le Conseil fédéral suisse sur l'utilisation pacifique de l'énergie nucléaire (avec procès-verbal approuvé et annexes). Berne, 31 octobre 1997

Entrée en vigueur : *23 juin 1998 par notification, conformément à l'article 22*

Textes authentiques : *anglais et français*

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : *États-Unis d'Amérique, 26 février 2013*

**Agreement for Co-operation Between the Government
of the United States of America and the Swiss Federal Council
Concerning Peaceful Uses of Nuclear Energy**

The Government of the United States of America and the Swiss Federal Council (hereinafter referred to as the *Parties*);

Considering their close co-operation in the development, use and control of nuclear energy for peaceful purposes pursuant to the Agreement for Cooperation Between the Government of the United States of America and the Government of Switzerland Concerning Civil Uses of Atomic Energy, signed on 30 December 1965, as amended;

Desiring to continue and expand their co-operation in this field;

Reaffirming their support for strengthening nuclear non-proliferation and disarmament measures on a world-wide basis;

Recognizing the indispensable role of the safeguards system of the International Atomic Energy Agency (hereinafter referred to as the *Agency*) in the maintenance of an effective non-proliferation regime;

Confirming their commitment to the strengthening of *Agency* safeguards, including their readiness to take such steps as are necessary to allow the *Agency* to apply safeguards effectively and efficiently and to attain its inspection goal at nuclear facilities in their respective jurisdictions;

Mindful that both the United States and Switzerland are parties to the Treaty on the Non-Proliferation of Nuclear Weapons of 1 July 1968 (hereinafter referred to as the *Non-Proliferation Treaty*); and have concluded agreements with the *Agency* for the application of safeguards in connection with the *Non-Proliferation Treaty*;

Confirming that the *Non-Proliferation Treaty* is the cornerstone of the global nuclear non-proliferation regime, and that the United States is determined to pursue systematic and progressive efforts to reduce nuclear weapons globally, with the ultimate goal of eliminating those weapons;

Reaffirming their intention to work closely together and with other states to urge universal adherence to the *Non-Proliferation Treaty* and full realization of the purposes of the preamble and of all the provisions of that treaty;

Bearing in mind that nothing in the *Non-Proliferation Treaty* shall be interpreted as affecting the inalienable right of all the Parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with Articles I and II of the Treaty, and that all the Parties to the Treaty undertake to facilitate, and have the right to participate in, the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy;

Recalling that the United States of America and Switzerland have ratified the Convention on the Physical Protection of Nuclear Material of 3 March 1980 (published as document INFCIRC/274/Rev.1 of the *Agency*);

Recognizing that the United States of America and Switzerland have decided that they will act in accordance with the principles contained in the Guidelines for Nuclear Transfers of the "Nuclear Suppliers Group" (published as Annexes to documents INFCIRC/254/Rev.2/Parts 1 and 2 of the *Agency* and subsequent revisions and modifications of these documents);

Stressing the importance of Nuclear Suppliers Group principles on full-scope *Agency* safeguards as a condition of transfer to non-nuclear weapon states; on the control of nuclear-related dual-use items; and on the exercise of restraint in the export of sensitive items;

Acknowledging that the separation, storage, transportation and use of plutonium call for continued measures to ensure the avoidance of risk of proliferation;

Desiring to favour commercial arrangements in the peaceful uses of nuclear energy on a predictable and reliable basis which take into account the long-term requirements of their nuclear energy programmes, and reaffirming their opposition to measures that unfairly burden legitimate nuclear commerce;

Have agreed as follows:

Article 1: Definitions

For the purpose of this Agreement:

(a) *alteration in form or content* means conversion of plutonium, high enriched uranium or uranium 233 or fabrication of fuel containing plutonium, high enriched uranium or uranium 233; it does not include

- post irradiation examination involving chemical dissolution or separation,
- disassembly or reassembly of fuel assemblies,
- irradiation,
- reprocessing or
- enrichment;

(b) *appropriate authority* means, in the case of Switzerland, the Federal Office of Energy and, in the case of the United States of America, the Department of Energy or such other authority as the *Party* concerned may notify the other *Party*;

(c) *equipment* means

- any reactor as a complete unit other than one designed or used primarily for the formation of plutonium or uranium 233;
- reactor pressure vessels, as complete units or as major shop-fabricated parts therefor, which are especially designed or prepared to contain the core of a reactor and are capable of withstanding the operating pressure of the primary coolant;
- reactor fuel charging and discharging machines as complete units; manipulative equipment designed or prepared for inserting or removing fuel in a reactor capable of on-load operation;
- complete reactor control rod systems, including the control rod drive mechanism especially designed or prepared for the control of the reaction rate in a reactor;
- reactor primary coolant pumps especially designed or prepared for circulating the primary coolant of a reactor;
- any other item so designated jointly by the *Parties*;

(d) *Guidelines* means the Guidelines for Nuclear Transfers (published as Appendix to document INFCIRC/254/Rev.2/Part 1 of the Agency and subsequent revisions and modifications as agreed by the *Parties*);

(e) *high enriched uranium* means uranium enriched to twenty percent or more in the isotope U²³⁵;

(f) *moderator material* means deuterium, heavy water and nuclear grade graphite for reactors as defined in paragraph 2 of Annex B to the *Guidelines*;

(g) *nuclear material* means any source material or special fissionable material as defined below:

- *source material* means depleted uranium, natural uranium, thorium or any other material so designated by agreement of the *Parties*.

- *special fissionable material* means plutonium, uranium 233 or uranium enriched in the isotope 233 or 235, or any other material so designated by agreement of the *Parties*;

(h) *nuclear supply* means *nuclear material*, *moderator material* and *equipment* transferred pursuant to the Agreement and *nuclear material* used in or produced through the use of such items;

(i) *Recommendations* means the recommendations published in document INFCIRC/225/Rev. 3 of the Agency entitled "the Physical Protection of Nuclear Material" and subsequent revisions as agreed by the *Parties*.

Article 2: Coverage

1. *Nuclear material*, *moderator material* and *equipment* transferred from the territory of one *Party* to the territory of the other *Party*, whether directly or through a third country, will be regarded as having been transferred pursuant to the Agreement only upon confirmation by the *appropriate authority* of the recipient *Party* to the *appropriate authority* of the supplier *Party*, that such *nuclear material*, *moderator material* and *equipment* will be subject to this Agreement and that the proposed recipient of such *nuclear material*, *moderator material* and *equipment*, other than the *Party*, is an authorized person. Such transfers of *nuclear material*, *moderator material* and *equipment* may be undertaken between the *Parties* or by authorized persons.

2. With respect to *special fissionable material* produced through the use of *nuclear material* and/or *moderator material* transferred pursuant to this Agreement and used in or produced through the use of *equipment* not so transferred, the provisions of Articles 7, 8, 9, 10 and 11 shall in practice be applied to that proportion of *special fissionable material* produced which represents the ratio of transferred *nuclear material* and/or *moderator material* used in the production of the *special fissionable material* to the total amount of *nuclear material* and/or *moderator material* so used.

3. *Nuclear material* transferred pursuant to this Agreement and *nuclear material* used in or produced through the use of *nuclear material*, *moderator material* or *equipment* transferred pursuant to this Agreement shall remain subject to the provisions of this Agreement until:

- a) the *Parties* determine that it is no longer usable or practicably irrecoverable for processing into a form in which it is usable for any nuclear activity relevant from the point of view of safeguards; or

b) it has been transferred beyond the jurisdiction of either *Party* in accordance with the provisions of Article 7 of this Agreement; or

c) it is otherwise agreed between the *Parties*.

4. *Moderator material and equipment* transferred pursuant to this Agreement shall remain subject to the provisions of this Agreement until:

a) the *Parties* agree that it is no longer usable for any nuclear activity relevant from the point of view of safeguards; or

b) it has been transferred beyond the jurisdiction of either *Party* in accordance with the provisions of Article 7 of this Agreement; or

c) it is otherwise agreed between the *Parties*.

5. For the purpose of implementing paragraph 3 a) of this Article, the *Parties* shall accept a determination made by the *Agency* in accordance with the provisions for the termination of the application of safeguards of the relevant safeguards agreement between a *Party* and the *Agency*.

6. Transfers of *nuclear materials* specified in subparagraph i below, and transfers of *source material* or *special fissionable material* to either *Party*, by each individual supplier within the jurisdiction of the other *Party* that are consistent with the limits specified in subparagraph ii below, need not be made subject to the Agreement:

i. Plutonium with an isotopic composition of plutonium 238 exceeding 80%; and *source material* which is used only in non-nuclear activities.

ii. Up to 3 grams of enriched uranium, 0.1 grams of plutonium, or 0.1 grams of uranium 233 as a sensing component in an instrument;

Up to 0.001 effective kilograms (as defined in paragraph 104 of document INFCIRC/153 of the *Agency*) of enriched uranium, plutonium or uranium 233 in a single shipment;

Up to 0.1 effective kilograms (as defined in paragraph 104 of document INFCIRC/153 of the *Agency*) of enriched uranium, plutonium or uranium 233 in any period of 12 months;

Source material:

- up to 10 kilograms of non-enriched uranium or thorium as a single shipment; and
- up to 1000 kilograms of non-enriched uranium or thorium in any period of 12 months.

Article 3: Peaceful uses

No *nuclear material*, *moderator material* and *equipment* transferred pursuant to this Agreement and no *nuclear material* used in or produced through the use of any such *nuclear material*, *moderator material* or *equipment* shall be used for any nuclear explosive device, for research on any nuclear explosive device or development of any nuclear explosive device, or for any military purpose.