

**No. 51897\***

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**United States of America  
and  
Hungary**

**Exchange of notes constituting an agreement between the Government of the United States of America and the Government of the Republic of Hungary relating to the transfer of nuclear fuel. Budapest, 3 July 2008**

**Entry into force:** *7 July 2008 by notification*

**Authentic text:** *English*

**Registration with the Secretariat of the United Nations:** *United States of America, 2 May 2014*

*\*No UNTS volume number has yet been determined for this record. The Text(s) reproduced below, if attached, are the authentic texts of the agreement /action attachment as submitted for registration and publication to the Secretariat. For ease of reference they were sequentially paginated. Translations, if attached, are not final and are provided for information only.*

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**États-Unis d'Amérique  
et  
Hongrie**

**Échange de notes constituant un accord entre le Gouvernement des États-Unis d'Amérique et le Gouvernement de la République de Hongrie relatif au transfert de combustible nucléaire. Budapest, 3 juillet 2008**

**Entrée en vigueur :** *7 juillet 2008 par notification*

**Texte authentique :** *anglais*

**Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies :** *États-Unis d'Amérique, 2 mai 2014*

*\*Aucun numéro de volume n'a encore été attribué à ce dossier. Les textes disponibles qui sont reproduits ci-dessous sont les textes originaux de l'accord ou de l'action tels que soumis pour enregistrement. Par souci de clarté, leurs pages ont été numérotées. Les traductions qui accompagnent ces textes ne sont pas définitives et sont fournies uniquement à titre d'information.*

[ ENGLISH TEXT – TEXTE ANGLAIS ]

MINISTRY OF FOREIGN AFFAIRS  
REPUBLIC OF HUNGARY

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7048-4/Adm/KüM/2008

### **NOTE VERBALE**

The Ministry of Foreign Affairs of the Republic of Hungary presents its compliments to the Embassy of the United States of America, and refers to the discussions between representatives of our two Governments related to the transfer of Russian-origin spent nuclear fuel from the research reactor at the KFKI Atomic Energy Research Institute in Budapest to the Russian Federation. The Ministry of Foreign Affairs proposes, on behalf of the Government of the Republic of Hungary, the following agreement concerning the transfer of such Russian-origin spent research reactor fuel from the Republic of Hungary to the Russian Federation, for management and storage in the Russian Federation.

#### **Article 1**

This Agreement between the Government of the Republic of Hungary and the Government of the United States of America (the "Parties") aims to give assurances concerning the provision of technical assistance that may be provided by the Government of the United States of America (the "United States Government"), through the United States Department of Energy, to support:

- a. the transfer of spent research reactor nuclear fuel from the Republic of Hungary to the Russian Federation,
- b. conversion of the research reactor at the KFKI Atomic Energy Research Institute from the use of high-enriched uranium (HEU) fuel to low-enriched uranium (LEU) fuel,
- c. safety upgrade of the reactor system as part its conversion from HEU fuel to LEU fuel, and
- d. security enhancement of the reactor site and nuclear materials stored at the site.

**EMBASSY OF THE UNITED STATES OF AMERICA**

**BUDAPEST**

## Article 2

The Government of the Republic of Hungary agrees that:

- a. The technical assistance provided by the Government of the United States of America (the "United States Government") shall not be used for payment of any taxes (including value-added taxes), customs duties, or other charges imposed by the Government of the Republic of Hungary or any subdivision or instrumentalities thereof. If any taxes, customs duties, or other charges imposed by the Government of the Republic of Hungary or any subdivision or instrumentalities thereof are assessed with respect to the technical assistance provided by the United States Government, the Government of the Republic of Hungary shall provide prompt and full reimbursement for those taxes, duties or other charges.
- b. The Government of the Republic of Hungary shall be responsible for any liability arising out of technical assistance provided by the United States Government as set forth in Article 1 above, in accordance with the Vienna Convention on Civil Liability for Nuclear Damage of May 21 1963.

## Article 3

Any technical assistance provided by the United States of America pursuant to this Agreement is subject to the availability of funds.

## Article 4

Ministries and agencies of the Parties may enter into implementing agreements and other arrangements to implement technical assistance provided by the United States Government pursuant to this Agreement.

## Article 5

The two governments understand that during the implementation of the Agreement the Hungarian side is required to act in compliance with the legislation of the European Community and the European Atomic Energy Community.

If these proposals are acceptable to the United States Government, it is further proposed that this note, together with the Embassy's affirmative note of reply, shall constitute an agreement between the two governments, which shall enter into force on the date of a note from the Ministry confirming that the Government of the Republic of Hungary has completed all of its domestic legal procedures necessary for entry into force of the Agreement.

The Ministry of Foreign Affairs avails itself of this occasion to renew to the Embassy the assurances of its highest consideration.

Budapest, 3 July 2008