

**No. 52671. Canada and Switzerland****N° 52671. Canada et Suisse**

AGREEMENT BETWEEN THE GOVERNMENT OF CANADA AND THE SWISS FEDERAL COUNCIL FOR CO-OPERATION IN THE PEACEFUL USES OF NUCLEAR ENERGY. BERN, 22 DECEMBER 1987

ACCORD DE COOPÉRATION ENTRE LE GOUVERNEMENT DU CANADA ET LE CONSEIL FÉDÉRAL SUISSE CONCERNANT LES UTILISATIONS PACIFIQUES DE L'ÉNERGIE NUCLÉAIRE. BERNE, 22 DÉCEMBRE 1987

EXCHANGE OF LETTERS CONSTITUTING AN AGREEMENT BETWEEN THE GOVERNMENT OF CANADA AND THE SWISS FEDERAL COUNCIL TO FACILITATE THE IMPLEMENTATION OF ARTICLE V OF THE AGREEMENT BETWEEN THE GOVERNMENT OF CANADA AND THE SWISS FEDERAL COUNCIL FOR CO-OPERATION IN THE PEACEFUL USES OF NUCLEAR ENERGY, DONE AT BERN ON 22 DECEMBER 1987. BERN, 22 DECEMBER 1987\*

ÉCHANGE DE LETTRES CONSTITUANT UN ACCORD ENTRE LE GOUVERNEMENT DU CANADA ET LE CONSEIL FÉDÉRAL SUISSE EN VUE DE FACILITER L'APPLICATION DE L'ARTICLE V DE L'ACCORD DE COOPÉRATION ENTRE LE GOUVERNEMENT DU CANADA ET LE CONSEIL FÉDÉRAL SUISSE CONCERNANT LES UTILISATIONS PACIFIQUES DE L'ÉNERGIE NUCLÉAIRE, SIGNÉ À BERNE LE 22 DÉCEMBRE 1987. BERNE, 22 DÉCEMBRE 1987\*

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[ ENGLISH TEXT - TEXTE ANGLAIS ]

II

Berne, December 22, 1987

Excellency,

I have the honour to acknowledge receipt of your letter of December 22, 1987 which reads as follows:

*[See letter I]*

In response, I have the honour to inform you that the foregoing is acceptable to Switzerland and to confirm that your letter of December 22, 1987 and this reply shall constitute an agreement between our two governments, which shall enter into force on the same date as the Agreement between the Swiss Federal Council and the Government of Canada for Cooperation in the Peaceful uses of Nuclear Energy and shall remain in force as long as that Agreement.

Please accept, Excellency, the assurances of my highest consideration.

A handwritten signature in black ink, appearing to read 'PIERRE AUBERT', with a large, sweeping flourish on the left side.

PIERRE AUBERT

H.E. Jacques Dupuis  
Ambassador of Canada  
Berne

Embassade de France

I

Ambassade du Canada

Berne, December 22, 1987 \*

Mr. Federal Councillor

I have the honour to refer to the Agreement between the Government of Canada and the Swiss Federal Council for Co-operation in the Peaceful Uses of Nuclear Energy signed at Berne on December 22, 1987 (hereinafter referred to as the Agreement).

Article V of the Agreement provides that "Nuclear material, material, equipment and technology subject to this Agreement shall not be transferred beyond the jurisdiction of a Party to this Agreement to a third party without the prior written consent of the other Party. An agreement to facilitate the implementation of this provision may be established by the Parties". In order to facilitate the implementation of this provision, I have the honour to propose that:

- a) in the case of natural uranium, depleted uranium, other source material, uranium enriched to less than 20% in the isotope U-235 and heavy water, Canada shall agree to the future transfer of such material and nuclear material by Switzerland beyond its jurisdiction to third parties provided that:
  - i) such third parties have been identified as acceptable by Canada in writing from time to time; and
  - ii) Switzerland, for each such transfer, inform the third party that the material and nuclear material transferred is subject to the provisions of a nuclear co-operation agreement with Canada; and

Mr. Pierre Aubert  
Federal Councillor  
Head of the Federal Department  
of Foreign Affairs  
Berne

\* Published as submitted.

- iii) Switzerland make subject to the Agreement material and nuclear material transferred from a third party which has identified the material and nuclear material as being subject to the provisions of a nuclear co-operation agreement with Canada; and
  - iv) notification and reporting procedures acceptable to the appropriate governmental authorities of Canada and Switzerland relating to such transfers have been established;
- b) transfers to third parties other than those transfers referred to in (a) above shall continue to require the consent of Canada prior to each transfer; and
  - c) in the case of non-compliance by Switzerland with the provisions of this Exchange of Letters, Canada shall have the right to terminate the present agreement in whole or in part.

Further to Article V of the Agreement, Canada hereby agrees to the transfer, in any given period of twelve (12) months, to any State party to the Treaty on the Non-Proliferation of Nuclear Weapons, of the following nuclear materials and quantities:

- i) special fissionable material (up to 50 effective grams);
- ii) natural uranium (up to 500 kilograms);
- iii) depleted uranium (up to 1000 kilograms); and
- iv) thorium (up to 1000 kilograms).

The appropriate governmental authorities shall establish reporting procedures for the purpose of reviewing the implementation of this provision.