

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 VI 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 VI 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]

Canadian Embassy

I

Ambassade du Canada

Berne, December 22, 1987

Mr. Federal Councillor,

1. 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).

2. Article VI of the Agreement states:

"Nuclear material subject to this Agreement shall not be enriched to twenty (20) percent or more in the isotope U235 or reprocessed without the prior written consent of both Parties. Such consent shall include the conditions under which the resultant plutonium or uranium enriched to twenty (20) percent or more may be stored and used. An agreement to facilitate the implementation of this provision may be established by the Parties."

3. Officials of our two governments have held discussions on non-proliferation issues relating to reprocessing of spent fuel and subsequent storage and use of plutonium and have identified guidelines to which our two governments can subscribe and lend support. These guidelines are as follows:

- (a) an effective commitment to non-proliferation should have been made and should continue to be maintained by the Party envisaging reprocessing and plutonium storage and use;

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- (b) all nuclear material subject to a peaceful-uses commitment in the facilities involved in reprocessing and the storage and use of plutonium should be subject to IAEA safeguards;
- (c) all nuclear material subject to a peaceful-uses commitment in facilities involved in reprocessing and the subsequent storage and use activities, including related transport, should be subject to adequate physical protection measures;
- (d) mutually satisfactory notification and reporting procedures should be in place between the Parties;
- (e) a description of the current and planned nuclear energy programme, including in particular a detailed description of the policy, legal and regulatory elements relevant to reprocessing and plutonium storage and use should be provided by the Party envisaging such activities;
- (f) the Parties should agree to periodic and timely consultations at which, inter alia, the information provided under guideline (e) above would be updated and significant changes in the nuclear energy programme would receive the fullest possible consideration;
- (g) reprocessing and the storage and use of plutonium should only take place when the information provided on the nuclear energy programme of the Party in question has been received, when the undertakings, arrangements and other information called for by the guidelines are in place and have been received, and when the Parties have agreed that the reprocessing and the storage and use of plutonium are an integral part of the described nuclear energy programme; where it is proposed to carry out reprocessing or the storage or use of plutonium when these conditions are not met, the operation should take place only when the Parties have so agreed after consultation, which should take place promptly to consider any such proposal; and

- (h) reprocessing and the storage and use of plutonium envisaged should only take place so long as the commitment of the Party in question to non-proliferation does not change, and so long as the commitment to periodic and timely consultations referred to in (f) above is honoured.

4. I note that Canada and Switzerland have agreed that the objectives of the above guidelines have been met. I further note that, as Switzerland is a party to the Treaty on the Non-Proliferation of Nuclear Weapons, it has made an effective commitment to non-proliferation and has placed all nuclear material under IAEA safeguards. I also note that Switzerland has submitted all nuclear material to appropriate levels of physical protection and that it has provided Canada with a description of its current and planned nuclear energy programme, and that mutually satisfactory notification and reporting procedures have been put into place. I further note that Canada and Switzerland agree to periodic and timely consultations as outlined in guideline (f) above.

5. I note that both Canada and Switzerland acknowledge that the separation, storage, transportation and use of plutonium require particular measures to reduce the risk of nuclear proliferation; are determined to continue to support the development of international safeguards and other non-proliferation measures relevant to reprocessing and plutonium storage and use including an effective and generally accepted international plutonium storage scheme; recognize the role of reprocessing in connection with the maximum use of available resources, with the management of materials contained in spent fuel or with other peaceful non-explosive uses, including research, in particular in the context of significant nuclear energy programmes; and desire the predictable and practical implementation of the Agreement, taking into account both their determination to ensure the furtherance of the objective of non-proliferation and the long-term needs of the nuclear energy programmes of the Parties.

6. Subject to the provisions of paragraph 7 below, and with reference to Article VI of the Agreement, Canada hereby agrees that nuclear material subject to the

Agreement may be reprocessed and plutonium stored and used within the framework of the current and planned nuclear energy programme as described and updated from time to time by Switzerland. With reference to Article V of the Agreement, Canada hereby also agrees to the transfer beyond the jurisdiction of Switzerland of nuclear material subject to the Agreement for its reprocessing. Canada also hereby confirms that the retransfer to Switzerland from a third country of such nuclear material may take place after reprocessing.

7. The provisions of paragraph 6 above shall only apply:
- (a) when the reprocessing, storage, use, transfer and retransfer in question are an integral part of the current and planned nuclear energy programme of Switzerland as described and updated as necessary by Switzerland;
 - (b) as long as the Agreement remains in force and the Treaty on the Non-Proliferation of Nuclear Weapons is in force in respect of Switzerland;
 - (c) as long as consultations on matters arising out of the application of the Agreement continue to take place on a timely basis, these consultations being intended, inter alia, as a forum for updating on a regular basis, and for providing information on any significant changes relevant to the description of the current and planned nuclear energy programme of Switzerland as described and updated from time to time by Switzerland;
 - (d) provided that, in the case of a transfer beyond the jurisdiction of Switzerland to a third country or group of countries of nuclear material subject to the Agreement for reprocessing, the nuclear material in question will be subject to a nuclear co-operation agreement between Canada and the third country or group of countries and that an agreement regarding reprocessing is in force between Canada and that third country or group of countries.