

**No. 52671\***

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**Canada  
and  
Switzerland**

**Agreement between the Government of Canada and the Swiss Federal Council for co-operation in the peaceful uses of nuclear energy (with annexes). Bern, 22 December 1987**

**Entry into force:** *13 June 1989, in accordance with article XII*

**Authentic texts:** *English and French*

**Registration with the Secretariat of the United Nations:** *Canada, 13 April 2015*

**Note:** *See also annex A, No. 52671.*

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**Canada  
et  
Suisse**

**Accord de coopération entre le Gouvernement du Canada et le Conseil fédéral suisse concernant les utilisations pacifiques de l'énergie nucléaire (avec annexes). Berne, 22 décembre 1987**

**Entrée en vigueur :** *13 juin 1989, conformément à l'article XII*

**Textes authentiques :** *anglais et français*

**Enregistrement auprès du Secrétariat des Nations Unies :** *Canada, 13 avril 2015*

**Note :** *Voir aussi annexe A, No. 52671.*

*\*Le numéro de volume RTNU n'a pas encore été établi pour ce dossier. Les textes reproduits ci-dessous, s'ils sont disponibles, sont les textes authentiques de l'accord/pièce jointe d'action tel que soumises pour l'enregistrement et publication au Secrétariat. Pour référence, ils ont été présentés sous forme de la pagination consécutive. Les traductions, s'ils sont inclus, ne sont pas en form finale et sont fournies uniquement à titre d'information.*

[ ENGLISH TEXT - TEXTE ANGLAIS ]

**AGREEMENT BETWEEN THE GOVERNMENT OF CANADA AND  
THE SWISS FEDERAL COUNCIL  
FOR CO-OPERATION IN THE PEACEFUL  
USES OF NUCLEAR ENERGY**

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The Government of Canada (hereinafter referred to as Canada) and the Swiss Federal Council (hereinafter referred to as Switzerland), and both hereinafter referred to as the Parties;

CONSIDERING their close co-operation in the development, use and control of the peaceful uses of nuclear energy pursuant to the Agreement between the Government of Canada and the Government of the Confederation of Switzerland to Provide for Co-operation in the Peaceful Uses of Atomic Energy signed at Ottawa on March 6, 1958, as extended by the Exchanges of Letters of November 26, 1964, April 23, 1969, and December 1, 1971;

DESIRING to strengthen the friendly relations that exist between the Parties;

MINDFUL of the advantages of effective co-operation in the peaceful uses of nuclear energy;

RECOGNIZING that Canada and Switzerland are both non-nuclear-weapon States party to the Treaty on the Non-Proliferation of Nuclear Weapons done at London, Moscow and Washington on July 1, 1968, (hereinafter referred to as the "NPT") and, as such, have undertaken not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices and that both Parties have concluded agreements with the International Atomic Energy Agency for the application of safeguards in connection with the NPT;

UNDERLINING further that the parties to the NPT have undertaken to facilitate, and have the right to participate in, the fullest possible exchange of nuclear material, material, equipment and scientific and technological information for the peaceful uses of nuclear energy and that parties to the NPT in a position to do so may also co-operate in contributing together to the further development of the applications of nuclear energy for peaceful purposes;

INTENDING, therefore, to co-operate with one another to these ends,

HAVE AGREED as follows:

ARTICLE I

For the purpose of this Agreement:

- (a) "The Agency's Safeguards System" means the safeguards system set out in the International Atomic Energy Agency document INFCIRC/66 Rev 2 as well as any subsequent amendments thereto;
- (b) "Appropriate governmental authority" means for Canada, the Atomic Energy Control Board, and for Switzerland, the Federal Office of Energy, or such other authority as the Party concerned may from time to time notify the other Party;
- (c) "Equipment" means any of the equipment listed in Annex B to this Agreement;
- (d) "Material" means any of the material listed in Annex C to this Agreement;
- (e) "Nuclear material" means any source material or any special fissionable material as these terms are defined in Article XX of the Statute of the International Atomic Energy Agency which is attached as Annex D to this Agreement. Any determination by the Board of Governors of the International Atomic Energy Agency under Article XX of the Agency's Statute, which amends the list of material considered to be "source material" or "special fissionable material", shall only have effect under this Agreement when the Parties to this Agreement have informed each other in writing that they accept that amendment;
- (f) "Persons" means individuals, firms, corporations, companies, partnerships, associations and other entities, private or governmental and their respective agents; and
- (g) "Technology" means technical data in physical form including technical drawings, photographic negatives and prints, recordings, design data and technical and operating manuals, designated by the supplying Party after consultation with the recipient Party, prior to the transfer, as important for the design, construction, operation and maintenance of enrichment, reprocessing or heavy water production facilities or major critical components thereof, and any other technology relevant in terms of non-proliferation and important for the design,

production, operation or maintenance of equipment or for the processing of nuclear material or material as may be jointly determined by the Parties, but excluding data available to the public, for example in published books and periodicals, or that which has been made available internationally without restrictions upon its further dissemination.

## ARTICLE II

The co-operation contemplated under this Agreement relates to the use, development and application of nuclear energy for peaceful purposes and may include, inter alia:

- (a) the supply of information, which includes technology, related to:
  - (i) research and development,
  - (ii) health, nuclear safety, emergency planning and environmental protection,
  - (iii) equipment (including the supply of designs, drawings and specifications),
  - (iv) uses of nuclear material, material and equipment (including manufacturing processes and specifications), and
  - (v) transfer of patent and other proprietary rights;
- (b) the supply of nuclear material, material, and equipment;
- (c) the implementation of projects for research and development as well as for design and application of nuclear technology for use in such fields as agriculture, industry, medicine and the generation of electricity;
- (d) industrial co-operation between persons in Switzerland and in Canada ;
- (e) technical training and related access to and use of equipment;
- (f) the rendering of technical assistance and services, including exchanges of experts and specialists; and
- (g) the exploration for and development of uranium resources.

ARTICLE III

(1) The Parties will encourage and facilitate co-operation between persons under their respective jurisdictions on matters within the scope of this Agreement.

(2) Subject to the terms of this Agreement, persons under the jurisdiction of either Party may supply to or receive from persons under the jurisdiction of the other Party nuclear material, material, equipment and technology, on commercial or other terms as may be agreed by the persons concerned.

(3) Subject to the terms of this Agreement, persons under the jurisdiction of either Party may provide persons under the jurisdiction of the other Party with technical training in the application of nuclear technology for peaceful uses on commercial or other terms as may be agreed by the persons concerned.

(4) The Parties, in accordance with their respective laws and regulations, will make efforts to facilitate exchanges of experts, technicians and specialists related to activities under this Agreement.

(5) The Parties shall take all appropriate precautions in accordance with their respective laws and regulations to preserve the confidentiality of information including commercial and industrial secrets transferred between persons under the jurisdiction of either Party.

(6) The Parties may, if appropriate and subject to terms and conditions to be mutually determined, collaborate on safety and regulatory aspects of the production of nuclear energy including (a) exchange of information and (b) technical co-operation and training.

(7) A Party shall not use the provisions of this Agreement for the purpose of securing commercial advantage or for the purpose of interfering with the commercial relations of the other Party.

ARTICLE IV

(1) Identified nuclear material, material, equipment, facilities and information subject to the March 6, 1958, Agreement between the Government of the Confederation of Switzerland and the Government of Canada to Provide for Co-operation in the Peaceful Uses of Atomic Energy shall, at the time of its termination, be subject to the present Agreement. A list of such items shall be jointly determined by the appropriate governmental authorities.