

No. 54522*

**Peru
and
United States of America**

Exchange of notes constituting an agreement between the Government of the Republic of Peru and the Government of the United States of America concerning the supply of low enriched uranium for a research reactor. Lima, 5 December 2014 and 13 February 2015

Entry into force: *22 May 2015, in accordance with the provisions of the said notes*

Authentic texts: *English and Spanish*

Registration with the Secretariat of the United Nations: *Peru, 23 June 2017*

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**Pérou
et
États-Unis d'Amérique**

Échange de notes constituant un accord entre le Gouvernement de la République du Pérou et le Gouvernement des États-Unis d'Amérique relatif à l'approvisionnement d'uranium faiblement enrichi destiné à un réacteur de recherche. Lima, 5 décembre 2014 et 13 février 2015

Entrée en vigueur : *22 mai 2015, conformément aux dispositions desdites notes*

Textes authentiques : *anglais et espagnol*

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : *Pérou, 23 juin 2017*

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No. 2393

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Relations of the Republic of Peru and has the honor to refer to the Agreement Between the International Atomic Energy Agency, the Government of the Republic of Peru, and the Government of the United States of America for Assistance in Securing Low Enriched Uranium for a Research Reactor, approved by the Board of Governors of the International Atomic Energy Agency (IAEA) on March 5, 2014 (hereinafter called the "Project and Supply Agreement"). The Government of the United States of America (the United States) affirms its support for the provision of up to 80 kilograms of uranium enriched to less than 20 per cent by weight in the isotope uranium-235 (hereinafter called the "supplied material") to Peru for use in the RP10 research reactor (hereinafter called the "reactor"), located at the Peruvian Institute of Nuclear Energy (IPEN) in Lima, Peru. On behalf of the Government of the United States of America, the Embassy proposes the following in relation to the Project and Supply Agreement.

1. In accordance with the Agreement for Cooperation in the Civil Uses of Atomic Energy between the International Atomic Energy Agency and the United States of America, signed 11 May 1959, as amended (hereinafter called the "Cooperation Agreement"), in the event that Peru, at any time following the entry into force of the Project and Supply Agreement:

- a. Does not comply with any provision of the Project and Supply Agreement;

- b. Does not accept safeguards as provided for by the Agreement between Peru and the IAEA for the Application of Safeguards in Connection with the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean and the Treaty on the Non-Proliferation of Nuclear Weapons, signed March 1978, which entered into force on 1 August 1979 (hereinafter called the “Safeguards Agreement”);
- c. Detonates a nuclear explosive device, terminates or abrogates International Atomic Energy Agency (IAEA) safeguards, or terminates, abrogates, or materially violates an IAEA safeguards agreement;
- d. Engages in, or assists, encourages, or induces any non-nuclear-weapon state to engage in activity involving source or special fissionable material and having direct significance for the manufacture of nuclear explosive devices;
or
- e. Enters into an agreement for the transfer of reprocessing equipment, materials, or technology to its sovereign control or to the sovereign control of a non-nuclear-weapon state except in connection with an international fuel cycle evaluation in which that state, Peru, and the United States participate, or pursuant to any other relevant international agreement or undertaking to which such states subscribe.

The United States shall have the right to be discharged of its obligations under the Project and Supply Agreement and shall have the right to require the return of the supplied material as defined in Article II, paragraph 1 of the Project and Supply Agreement and any special fissionable material used in or produced through the use thereof.

2. In accordance with Annex I to the Cooperation Agreement, if Peru or the United States becomes aware of circumstances that demonstrate that the IAEA for any reason is not or will not be applying safeguards as provided for in

Article V, paragraph 2 of the Project and Supply Agreement in accordance with the Safeguards Agreement, in order to ensure effective continuity of safeguards, that Party shall inform the other, and the Parties shall immediately enter into written arrangements that conform with the IAEA safeguards principles and procedures and that provide for the coverage required by the Project and Supply Agreement and assurance equivalent to that intended to be secured by the system they replace. Characteristics of these arrangements shall include:

- a. The review in a timely fashion of the design of any facility that is to use, fabricate, process, or store any material transferred by the United States pursuant to the Project and Supply Agreement and any source or special nuclear material used in or produced through the use of any material so transferred;
- b. The maintenance and production of records and of relevant reports for the purpose of assisting in ensuring accountability for material transferred by the United States pursuant to the Project and Supply Agreement and any source or special nuclear material used in or produced through the use of any material so transferred;
- c. The designation of personnel, in consultation with Peru, who shall have access to all places and data necessary to account for the material referred to in paragraph 2(a) above and to install any devices and make such independent measurements as may be deemed necessary to account for such material. Such personnel shall, if Peru or the safeguarding Party so requests, be accompanied by personnel designated by Peru.

The Parties agree that these safeguards shall be applied by the IAEA under arrangements between the IAEA and Peru, other than by the Safeguards Agreement, so long as such arrangements are acceptable to the Parties. If either Party considers that the IAEA is unable to apply such safeguards, safeguards