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**International Atomic Energy Agency
and
Kazakhstan**

Agreement between the International Atomic Energy Agency and the Government of the Republic of Kazakhstan regarding the establishment of the Low Enriched Uranium Bank of the International Atomic Energy Agency in the Republic of Kazakhstan. Astana, 27 August 2015

Entry into force: *31 January 2017 by notification, in accordance with article XIX*

Authentic texts: *English, Kazakh and Russian*

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**Agence internationale de l'énergie atomique
et
Kazakhstan**

Accord entre l'Agence internationale de l'énergie atomique et le Gouvernement de la République du Kazakhstan concernant la création de la banque d'uranium faiblement enrichi de l'Agence international de l'énergie atomique en République du Kazakhstan. Astana, 27 août 2015

Entrée en vigueur : *31 janvier 2017 par notification, conformément à l'article XIX*

Textes authentiques : *anglais, kazakh et russe*

Enregistrement auprès du Secrétariat des Nations Unies : *Agence internationale de l'énergie atomique, 17 juillet 2017*

**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.*

Agreement between the International Atomic Energy Agency and the Government of the Republic of Kazakhstan regarding the Establishment of the Low Enriched Uranium Bank of the International Atomic Energy Agency in the Republic of Kazakhstan

1. The text of the Agreement between the International Atomic Energy Agency and the Government of the Republic of Kazakhstan regarding the Establishment of the Low Enriched Uranium Bank of the International Atomic Energy Agency in the Republic of Kazakhstan is reproduced in this document for the information of all Members. The Board of Governors approved the Agreement on 11 June 2015. It was signed on 27 August 2015 in Astana, Kazakhstan.
2. Pursuant to Article XIX, paragraph 1, of the Agreement, it entered into force on 31 January 2017, the date of the receipt of the last written notification through diplomatic channels of the fulfilment by the Parties of the procedures necessary for its entry into force.

Agreement between the International Atomic Energy Agency and the Government of the Republic of Kazakhstan regarding the Establishment of the Low Enriched Uranium Bank of the International Atomic Energy Agency in the Republic of Kazakhstan

The International Atomic Energy Agency (hereinafter referred to as the “IAEA”) and the Government of the Republic of Kazakhstan (hereinafter referred to as “Kazakhstan”), hereinafter also collectively referred to as the “Parties” and individually as a “Party”;

BEARING IN MIND that, under its Statute, the IAEA is authorized to encourage and assist in the development and practical application of atomic energy for peaceful purposes throughout the world and arrange for the supply of nuclear material to IAEA Member States to be used in accordance with the provisions of its Statute;

BEARING IN MIND the resolution of the Board of Governors of the IAEA (hereinafter referred to as the “Board of Governors”), GOV/2010/70 of 3 December 2010 entitled “Assurance of Nuclear Fuel Supply”, which, inter alia, adopted the Recommended Actions contained in document GOV/2010/67 of 26 November 2010 entitled “Assurance of Supply: Establishment of an IAEA Low Enriched Uranium (LEU) Bank for the Supply of LEU to Member States”;

BEARING IN MIND that Kazakhstan wishes to support the IAEA’s efforts in this regard and in this connection expressed interest in being the Host State for the IAEA LEU Bank in accordance with the requirements outlined by the IAEA in its document GOV/INF/2011/7 of 31 May 2011 entitled “Assurance of Supply: IAEA Low Enriched Uranium Bank. Solicitation for Host State”, as well as in the documents of the Board of Governors GOV/2010/67 of 26 November 2010 and GOV/2010/70 of 3 December 2010;

BEARING IN MIND that the Republic of Kazakhstan is a party to the Agreement on the Privileges and Immunities of the International Atomic Energy Agency (INFCIRC/9/Rev.2);

BEARING IN MIND that the Agreement between the Republic of Kazakhstan and the International Atomic Energy Agency for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons (hereinafter referred to as the “Safeguards Agreement”) was signed on 26 July 1994 and entered into force on 11 August 1995 (INFCIRC/504) and an Additional Protocol thereto (hereinafter referred to as the “Additional Protocol”) was signed on 6 February 2004 and entered into force on 9 May 2007 (INFCIRC/504/Add.1);

BEARING IN MIND that the Republic of Kazakhstan is a party to the Vienna Convention on Civil Liability for Nuclear Damage (INFCIRC/500) and to the Protocol to Amend the Vienna Convention on Civil Liability for Nuclear Damage (INFCIRC/566);

Have agreed as follows:

Article I
DEFINITIONS

As used in this Agreement, the terms below have the following meaning:

- a. “appropriate authorities” means such central or local authorities in the Republic of Kazakhstan as may be appropriate in the context of, and in accordance with, the legislation of Kazakhstan;
- b. “archives of the IAEA” means all records, correspondence, documents, manuscripts, computer and media data, photographs, films, video and sound recordings for the functioning of the IAEA LEU Bank belonging to the IAEA or held by the IAEA and any other material which the Parties agree shall form part of the archives of the IAEA;
- c. “Director General” means the Director General of the IAEA or any official designated to act on his behalf;
- d. “Facility Operator” means the legal entity that operates the IAEA LEU Storage Facility and, in this capacity, performs services for the IAEA under a technical agreement to be concluded between the IAEA and the Facility Operator in consultation with Kazakhstan (hereinafter referred to as the “Technical Agreement on Facility Operator Services”);
- e. “functioning of the IAEA LEU Bank” means activities agreed upon by the Parties including the receipt, loading, unloading and movement on the Facility Operator’s site, and storage of IAEA LEU and other IAEA property, weighing and sampling of IAEA LEU cylinders, nuclear material accountancy, provision of nuclear safety and security, transport, preparation for shipment, import and export of IAEA LEU, relocation of the IAEA LEU Bank, and all associated record keeping, inspections, reporting, risk management and maintenance;
- f. “IAEA LEU” means low enriched uranium owned by the IAEA in the form of uranium hexafluoride (UF₆) enriched up to nominally 4.95% U-235 for the functioning of the IAEA LEU Bank;
- g. “IAEA LEU Bank” means the physical stock of IAEA LEU located in the IAEA LEU Storage Facility of up to a maximum of 60 (sixty) full 30B cylinders or successor type of cylinder;
- h. “IAEA LEU cylinders” means IAEA owned cylinders for packaging of IAEA LEU for its transport and storage;
- i. “IAEA LEU Storage Facility” means the storage facility, provided by Kazakhstan to the IAEA for the exclusive use of the IAEA, situated on the site of the Facility Operator

where the IAEA LEU Bank is located (hereinafter referred to as the “Facility Operator’s site”), as described in the Technical Agreement on Facility Operator Services;

- j. “IAEA property” means all property of the IAEA, including IAEA LEU, IAEA LEU cylinders, as well as funds and other assets, belonging to the IAEA, or held by the IAEA or administered by the IAEA in furtherance of its statutory functions and this Agreement, and all income of the IAEA;
- k. “IAEA Representative Office” for the purpose of this Agreement means an office to be established by the IAEA in the Republic of Kazakhstan and notified by the IAEA to Kazakhstan;
- l. “IAEA Representative” means an IAEA official or other individual designated by the IAEA, who shall represent the IAEA in the Republic of Kazakhstan and who shall be notified by the IAEA to Kazakhstan;
- m. “legislation of Kazakhstan” means legal acts of the Republic of Kazakhstan issued in the appropriate manner; and
- n. “officials of the IAEA” means the Director General and all members of the staff of the IAEA except those who are locally recruited and assigned to hourly rates.

Article II

THE IAEA LEU BANK

- 1. The IAEA LEU Bank shall be established by the IAEA in the Republic of Kazakhstan in accordance with this Agreement.
- 2. a. The IAEA shall bear the following costs:
 - (i) without prejudice to the responsibility of Kazakhstan for costs under paragraph 2, sub-paragraph b., of this Article, costs for purchase of IAEA LEU, equipment, facilities, and any other goods and services which are required by the IAEA for the establishment, operation and maintenance of the IAEA LEU Bank. These include costs of communication and other expenses due to specific requirements of the IAEA during the functioning of the IAEA LEU Bank, such as operation of monitoring equipment, and IAEA requirements for handling or inspection of IAEA LEU cylinders;
 - (ii) costs for the delivery of the IAEA LEU to and from the IAEA LEU Storage Facility, including all costs associated with the import and export of IAEA LEU, empty IAEA LEU cylinders and IAEA LEU cylinders containing heels, other than those costs associated with the relocation of the IAEA LEU Bank, in accordance with paragraph 2, sub-paragraph b. (iv), of this Article. The costs listed in this sub-paragraph include such costs directly resulting from the preparation of shipping documents, movement of IAEA LEU on the Facility Operator’s site, decanting, homogenization, sampling and analysis of IAEA LEU;