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**Japan
and
India**

Agreement between the Government of Japan and the Government of the Republic of India for cooperation in the peaceful uses of nuclear energy (with annexes and note). Tokyo, 11 November 2016

Entry into force: *20 July 2017 by notification, in accordance with article 17*

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**Japon
et
Inde**

Accord de coopération entre le Gouvernement du Japon et le Gouvernement de la République de l'Inde concernant l'utilisation de l'énergie nucléaire à des fins pacifiques (avec annexes et note). Tokyo, 11 novembre 2016

Entrée en vigueur : *20 juillet 2017 par notification, conformément à l'article 17*

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[ENGLISH TEXT – TEXTE ANGLAIS]

AGREEMENT
BETWEEN THE GOVERNMENT OF JAPAN AND
THE GOVERNMENT OF THE REPUBLIC OF INDIA
FOR COOPERATION IN THE PEACEFUL USES OF NUCLEAR ENERGY

The Government of Japan and the Government of the Republic of India (hereinafter referred to as "the Parties");

Desiring to strengthen the Special Strategic and Global Partnership that exists between Japan and the Republic of India;

Noting that nuclear energy provides a safe, environmentally friendly and sustainable source of energy, which also contributes to energy security;

Recognising that Japan and the Republic of India have advanced capabilities in the peaceful uses of nuclear science and technology which can contribute to the welfare of their respective peoples;

Recognising also that the two States have been cooperating in this area through multilateral fora including the ITER International Fusion Energy Organization;

Considering that Japan is a party to the Treaty on the Non-Proliferation of Nuclear Weapons, done on July 1, 1968;

Recognising that both Japan and the Republic of India are initial members of the International Atomic Energy Agency (hereinafter referred to as "the Agency");

Reaffirming the support of the two States for the objectives of the Agency and its safeguards system as applicable to Japan and the Republic of India respectively and its importance in the international cooperation in the development and uses of nuclear energy for peaceful purposes;

Reaffirming their respective commitments to achieve the highest standards of radiation and nuclear safety based on a scientific approach, operating experience and best practices followed by the nuclear industry, as well as to ensure that the use of radiation and atomic energy in all its applications is safe for the health of radiation workers, members of the public and the environment;

Noting the commitments of the two States to nuclear non-proliferation, nuclear safety and nuclear security in the peaceful uses of nuclear energy, including effective national export controls and adequate physical protection of nuclear material;

Desiring also to develop cooperation between the two States on the basis of respect for sovereignty, equality, mutual benefit and reciprocity; and

Desiring to promote full cooperation between the two States in the development and uses of nuclear energy for peaceful purposes on a stable, reliable and predictable basis;

Have agreed as follows:

ARTICLE 1

For the purposes of this Agreement:

- (a) The term "authorised person" means any individual or entity within the jurisdiction of the State of a Party and authorised by that Party to cooperate under this Agreement, including to supply or receive nuclear material, non-nuclear material, equipment and technology, and to perform or receive services, but does not include the Parties;
- (b) The term "nuclear material" means (i) source material and (ii) special fissionable material:
 - (i) source material means uranium containing the mixture of isotopes occurring in nature; uranium depleted in the isotope 235; thorium; any of the foregoing in the form of metal, alloy, chemical compound or concentrate; any other material containing one or more of the foregoing in such concentration as may be agreed to by the Parties; and such other material as may be agreed to by the Parties; and
 - (ii) special fissionable material means plutonium; uranium-233; uranium enriched in the isotopes 233 or 235; any material containing one or more of the foregoing; and such other fissionable material as may be agreed to by the Parties. Special fissionable material does not include source material;

- (c) The term "non-nuclear material" means material for use in a nuclear reactor which are specified in Part A of Annex A to this Agreement, but does not include nuclear material;
- (d) The term "equipment" means major items of machinery, plant or instrumentation, or major components thereof, which are specially designed or prepared for use in nuclear activities, and which are specified in Part B of Annex A to this Agreement;
- (e) The term "technology" means the specific information necessary for the development, production or use of any nuclear material, non-nuclear material or equipment with the exception of information publicly available and without restrictions upon its further dissemination. The specific information may take the form of technical data which includes blueprints, plans, diagrams, models, formulae, engineering designs and specifications, manuals and instructions written or recorded on other media or devices such as disk, tape and read-only memories, and it may also take the form of technical assistance which includes instruction, skills, training, working knowledge and consulting services, and is transferred in any form pursuant to this Agreement and is so designated and documented in hard copy or digital form by agreement of the Parties that it shall be subject to this Agreement;
- (f) The term "development" referred to in paragraph (e) of this Article means all phases before production such as design, design research, design analysis, design concepts, assembly and testing of prototypes, pilot production schemes, design data, process of transforming design data into a product, configuration design, integration design and layouts;
- (g) The term "production" referred to in paragraphs (e) and (f) of this Article means all activities for producing nuclear material, non-nuclear material or equipment such as construction, production engineering, manufacture, integration, assembly (mounting), inspection, testing and quality assurance;

- (h) The term "use" referred to in paragraph (e) of this Article means operation, installation including on-site installation, maintenance, checking, repair, overhaul and refurbishing;
- (i) The term "equipment based on technology" means equipment which the Parties agree as produced from the use of technology transferred pursuant to this Agreement; and
- (j) The term "nuclear material recovered or produced as a by-product" means:
 - (i) nuclear material derived from nuclear material transferred pursuant to this Agreement;
 - (ii) nuclear material derived by one or more processes from the use of non-nuclear material or equipment transferred pursuant to this Agreement; and
 - (iii) nuclear material which the Parties agree as derived from the use of technology transferred pursuant to this Agreement.

ARTICLE 2

1. Cooperation between the Parties in the use of nuclear energy for peaceful and non-explosive purposes shall be subject to the provisions of this Agreement. Each Party shall implement this Agreement in accordance with the applicable treaties as well as national laws and regulations in force in the respective States including licence requirements concerning the use of nuclear energy for peaceful purposes. This Agreement shall be implemented in good faith and in accordance with the principles of international law.

2. Cooperation under this Agreement in the two States may be undertaken in the following ways and other ways as may be agreed by the Parties:

- (a) exchange of scientific, technical and other experts including their participation in the activities referred to in this Article;