

Information Circular

INFCIRC/211/Mod.1

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General Distribution

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The Text of a Safeguards Agreement between the Agency, Canada and India Suspension

1. The text of the Arrangement of 20 March 2015 suspending the application of safeguards under the Trilateral Safeguards Agreement¹ relating to a bilateral agreement between Canada and India, is reproduced in this document for the information of all Members.
2. The Arrangement came into effect on 20 March 2015.

¹ Reproduced in document INFCIRC/211.

Arrangement between the International Atomic Energy Agency, the Government of Canada and the Government of the Republic of India concerning the Suspension of the Application of Safeguards in India

The International Atomic Energy Agency ("the Agency"), the Government of Canada ("Canada"), and the Government of the Republic of India ("India"), hereinafter referred to as the "Participants",

Recognizing that the *Agreement between the International Atomic Energy Agency, the Government of Canada and the Government of India Relating to Safeguards Provisions*, done at Vienna on 30 September 1971 ("the Trilateral Safeguards Agreement"), provides for the Agency to apply safeguards in connection with the Agreement of 16 December 1963 between Canada and India relating to the Rajasthan Atomic Power Station and the Douglas Point Nuclear Generating Station, as amended by the Supplementary Agreement of 16 December 1966 and supplemented by Exchanges of Letters of 16 December 1966, and of 26 July 1968 ("the Cooperation Agreement");

Recognizing that the Cooperation Agreement requires that nuclear material used or produced in the Rajasthan Atomic Power Station only be used for peaceful purposes;

Recognizing that the *Agreement between the Government of India and the International Atomic Energy Agency for the Application of Safeguards to Civilian Nuclear Facilities*, done at Vienna on 2 February 2009 ("the Bilateral Safeguards Agreement"), entered into force on 11 May 2009;

Recognizing that paragraph 11(b) of the Bilateral Safeguards Agreement applies to nuclear material and non-nuclear material supplied to India which are required to be safeguarded pursuant to a bilateral arrangement to which India is a party;

Recognizing that, for the purposes of paragraph 11(b) of the Bilateral Safeguards Agreement, the Trilateral Safeguards Agreement requires the application of Agency safeguards to nuclear material and non-nuclear material supplied by Canada to India pursuant to the Cooperation Agreement;

Recognizing that paragraph 22 of the Bilateral Safeguards Agreement provides for the suspension of the application of Agency safeguards under other Safeguards Agreements concluded by India with the Agency and in force at the time of entry into force of the Bilateral Safeguards Agreement, subject to agreement by the Parties to such other Safeguards Agreements and following notification by India of the relevant facilities pursuant to paragraph 14(a);

HAVE MADE THE FOLLOWING ARRANGEMENT:

Paragraph 1: Nuclear Material and Non-Nuclear Material Required to Be Safeguarded

The Participants have reached an understanding on the nuclear material and non-nuclear material that is required to be safeguarded by the Trilateral Safeguards Agreement.

Paragraph 2: Suspension of Safeguards

1. The Participants decide that the application of Agency safeguards in India pursuant to the Trilateral Safeguards Agreement will be suspended:
 - (a) upon India's notification to the Agency, pursuant to paragraph 22 of the Bilateral Safeguards Agreement, confirming that the nuclear material and non-nuclear material required to be safeguarded by the Trilateral Safeguards Agreement will be subject to safeguards under the Bilateral Safeguards Agreement; and
 - (b) for so long as Agency safeguards under the Bilateral Safeguards Agreement continue to be applied to the nuclear material and non-nuclear material required to be safeguarded by the Trilateral Safeguards Agreement.
2. The Participants confirm that, if any nuclear material or non-nuclear material required to be safeguarded by the Trilateral Safeguards Agreement is no longer subject to the safeguards under the Bilateral Safeguards Agreement, safeguards under the Trilateral Safeguards Agreement will be reinstated in relation to such material, or to an equivalent amount of nuclear material or non-nuclear material, except if safeguards on nuclear or non-nuclear material required to be safeguarded by the Trilateral Safeguards Agreement are terminated in accordance with the provisions of the Bilateral Safeguards Agreement.

Paragraph 3: Entry into Effect and Termination

1. This Arrangement will come into effect on the date of its last signature by the Participants and will remain valid for the period that the Bilateral Safeguards Agreement is in force.
2. A Participant may also terminate this Arrangement, upon written notice given to the other Participants which will be effective on the date of the notification.
3. The Participants may amend this Arrangement upon their mutual written consent.

Signed in triplicate, in the English and French languages, each version being equally valid.

For the INTERNATIONAL ATOMIC ENERGY AGENCY:

(Signed)

Yukiya Amano

Director General

Place: Vienna

Date: 20 March 2015

For the Government of CANADA:

(Signed)

Mark Bailey

Ambassador, Permanent Representative to the IAEA

Place: Vienna

Date: 16 March 2015

For the Government of INDIA:

(Signed)

Rajiva Misra

Ambassador, Permanent Representative to the IAEA

Place: Vienna

Date: 16 March 2015