



International Atomic Energy Agency

INFORMATION CIRCULAR

INF

IAEA-INFCIRC/92/Mod. 2
February 1994

GENERAL Distr.
Original: ENGLISH and
SPANISH

THE TEXT OF THE SAFEGUARDS TRANSFER AGREEMENT RELATING TO THE BILATERAL AGREEMENT BETWEEN SPAIN AND THE UNITED STATES OF AMERICA

Protocol of Suspension

1. The text of the Protocol suspending the application of safeguards pursuant to the Safeguards Transfer Agreement of 9 December 1966, as amended, between the Agency, Spain and the United States of America* is reproduced in this document for the information of all Members.
2. The Protocol entered into force, pursuant to Section 3 thereof, on 15 October 1993.

* Reproduced in documents INFCIRC/92 and INFCIRC/92/Mod. 1.

PROTOCOL TO SUSPEND THE APPLICATION OF SAFEGUARDS PURSUANT TO THE AGREEMENT OF 9 DECEMBER 1966, AS AMENDED, BETWEEN THE INTERNATIONAL ATOMIC ENERGY AGENCY, THE GOVERNMENT OF SPAIN AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA IN LIGHT OF THE PROVISIONS FOR THE APPLICATION OF SAFEGUARDS PURSUANT TO THE TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS

The International Atomic Energy Agency (hereinafter referred to as the "Agency"), the Government of Spain (hereinafter referred to as "Spain"), and the Government of the United States of America (hereinafter referred to as the "United States");

RECOGNIZING that the Agency has been applying safeguards in accordance with the provisions of the Agreement between the Agency, Spain and the United States for the application of safeguards, signed 9 December 1966, as amended 6 June 1974 (hereinafter referred to as the "Safeguards Transfer Agreement") to materials, equipment and facilities required to be safeguarded under the Agreement for Cooperation between the Government of Spain and the Government of the United States concerning civil uses of atomic energy, signed on 20 March 1974, (hereinafter referred to as the "Agreement for Cooperation") to ensure so far as it is able that they will not be used in such a way as to further any military purpose;

RECOGNIZING that Spain, as a non-nuclear weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons (hereinafter referred to as the "Treaty") has acceded to the Agreement between the Kingdom of Belgium, the Kingdom of Denmark, the Federal Republic of Germany, the Greek Republic, Ireland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Portuguese Republic, the European Atomic Energy Community and the International Atomic Energy Agency in implementation of Article III (1) and (4) of the Treaty on the Non-Proliferation of Nuclear Weapons (hereinafter referred to as the "Treaty Safeguards Agreement");

RECOGNIZING that Article 23 of the Treaty Safeguards Agreement provides for the suspension of Agency safeguards applied pursuant to other safeguards agreements with the Agency;

RECOGNIZING that, under Article X of the Agreement for Cooperation, Spain has guaranteed that no material, including equipment and devices, transferred to Spain or authorized persons under its jurisdiction pursuant to the Agreement for Cooperation and no special nuclear material produced through the use of such material, equipment and devices, will be used "for atomic weapons, or for any other military purpose";

HAVE AGREED AS FOLLOWS:

1. The application of safeguards in Spain pursuant to the Safeguards Transfer Agreement is suspended while the Treaty Safeguards Agreement is in force and safeguards specified therein are being applied by the Agency.
2. The application of safeguards in the United States pursuant to the Safeguards Transfer Agreement is suspended while the agreement that entered into force on 9 December 1930 between the Agency and the United States, and the protocol thereto, is in force and safeguards specified therein are being applied by the Agency.
3. This Protocol shall be signed by or for the Director General of the Agency and by the authorized representatives of Spain and the United States and shall enter into force on the date on which the Agency receives from Spain written notification that its constitutional requirements for entry into force of this Protocol have been met.

Done in Vienna on the twenty-third day of March 1993, in triplicate, in the English and Spanish languages.

For the INTERNATIONAL ATOMIC ENERGY AGENCY:

(signed) Hans Blix

For SPAIN:

(signed) Javier Elorza

For the THE UNITED STATES OF AMERICA:

(signed) Jane Becker