

Information Circular

INFCIRC/580/Mod.1

Date: 9 March 2007

General Distribution

Original: English

Agreement between the Republic of Azerbaijan and the International Atomic Energy Agency for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons

An agreement by Exchange of Letters with the Republic of Azerbaijan to amend the Protocol to the Safeguards Agreement

1. The text of the Exchange of Letters, constituting an agreement to amend the Protocol¹ to the Agreement between the Republic of Azerbaijan and the International Atomic Energy Agency for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons², is reproduced in this document for the information of all Member States of the Agency.
2. The amendments agreed upon in the Exchange of Letters entered into force on 20 November 2006, the date on which the Agency received Azerbaijan's affirmative reply.

¹ Referred to as the "Small Quantities Protocol"

² Reproduced in document INFCIRC/580



Azərbaycan Respublikasının
Xarici İşlər Naziri

Minister of Foreign Affairs
of the Republic of Azerbaijan

Your Excellency,

I have the honour to refer to the IAEA's letter of December 12, 2005 which reads as follows:

The Board authorized the Director General to conclude with all States with Small Quantities Protocols exchanges of letters giving effect to the revised standardized text and the modified criteria, and called on the States concerned to conclude such exchanges of letters as soon as possible.

It is therefore proposed that paragraph I of the Small Quantities Protocol be amended to read as follows:

- I. (1) Until such time as Azerbaijan
 - (a) Has, in peaceful nuclear activities within its territory or under its jurisdiction or control anywhere, nuclear material in quantities exceeding the limits stated, for the type of material in question, in Article 36 of the Agreement between Azerbaijan and the Agency for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons (hereinafter referred to as "the Agreement"), or
 - (b) Has taken the decision to construct or authorize construction of a facility, as defined in the Definitions,the implementation of the provisions in Part II of the Agreement shall be held in abeyance, with the exception of Articles 32-38, 40, 48, 49, 59, 61, 67, 68, 70, 72-76, 82, 84-90, 94 and 95.
- (2) The information to be reported pursuant to paragraphs (a) and (b) of Article 33 of the Agreement may be consolidated and submitted in an annual report; similarly, an annual report shall be submitted, if applicable, with respect to the import and export of nuclear material described in paragraph (c) of Article 33.
- (3) In order to enable the timely conclusion of the Subsidiary Arrangements provided for in Article 38 of the Agreement, Azerbaijan shall

Dr. Mohamed ElBaradei
Director General
Of the IAEA
Vienna

- (a) *Notify the Agency sufficiently in advance of its having nuclear material in peaceful nuclear activities within its territory or under its jurisdiction or control anywhere in quantities that exceed the limits, as referred to in section 1 hereof, or*
- (b) *Notify the Agency as soon as the decision to construct or to authorize construction of a facility has been taken, whichever occurs first.*

In this regard, I am pleased to inform you that the Government of the Republic of Azerbaijan accepts the aforementioned terms.

Sincerely,

Elmar Mammadyarov

A handwritten signature in dark ink, appearing to read 'Elmar Mammadyarov', written in a cursive style.



IAEA

الوكالة الدولية للطاقة الذرية

国际原子能机构

International Atomic Energy Agency

Agence Internationale de l'énergie atomique

Международное агентство по атомной энергии

Organismo Internacional de Energía Atómica

Atoms For Peace

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His Excellency
Mr. Fuad Ismayilov
The Resident Representative of the Republic of
Azerbaijan to the IAEA
Hügelgasse 2
1130 Wien, Austria

2005-12-12

Sir,

I have the honour to refer to the Agreement between your Government and the International Atomic Energy Agency (IAEA) for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons, and to the Protocol thereto (hereinafter referred to as "the Small Quantities Protocol"), which entered into force on 29 April 1999, as well as to the decision of the IAEA Board of Governors of 20 September 2005 related to such protocols.

In his report entitled "Strengthening safeguards implementation in States with Small Quantities Protocols", the IAEA Director General, Dr Mohamed ElBaradei, drew attention to the Agency's need to receive initial reports on nuclear material, to obtain information on planned or existing nuclear facilities; and to be able to perform inspection activities in the field, if required, for all States with comprehensive safeguards agreements. He explained that the Small Quantities Protocols currently had the effect of holding such authority in abeyance.

The Board agreed with the Director General's assessment and, on the basis of the Director General's report, concluded that the Small Quantities Protocol in its present form was a weakness in the Agency's safeguards system. It decided that the Small Quantities Protocol should remain part of the Agency's safeguards system, subject to the modifications in the standardized text and the change in the criteria for a Small Quantities Protocol as proposed in the Director General's report. The Board also decided that, henceforth, it would approve only texts for such protocols based on a revised standardized text and subject to modified criteria.

The Board authorized the Director General to conclude with all States with Small Quantities Protocols exchanges of letters giving effect to the revised standardized text and the modified criteria, and called on the States concerned to conclude such exchanges of letters as soon as possible.

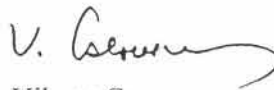
It is therefore proposed that paragraph I of the Small Quantities Protocol be amended to read as follows:

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- (b) Has taken the decision to construct or authorize construction of a facility, as defined in the Definitions,
- the implementation of the provisions in Part II of the Agreement shall be held in abeyance, with the exception of Articles 32-38, 40, 48, 49, 59, 61, 67, 68, 70, 72-76, 82, 84-90, 94 and 95.
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 - (3) In order to enable the timely conclusion of the Subsidiary Arrangements provided for in Article 38 of the Agreement, Azerbaijan shall
 - (a) Notify the Agency sufficiently in advance of its having nuclear material in peaceful nuclear activities within its territory or under its jurisdiction or control anywhere in quantities that exceed the limits, as referred to in section 1 hereof, or
 - (b) Notify the Agency as soon as the decision to construct or to authorize construction of a facility has been taken,whichever occurs first.

If this proposal is acceptable to your Government, this letter and your Government's affirmative reply shall constitute an agreement between Azerbaijan and the IAEA to amend the Small Quantities Protocol accordingly, which amendments shall enter into force on the date that the Agency receives that reply.

Accept, Sir, the assurances of my highest consideration.



Vilmos Cserveny
Director
Office of External Relations and Policy
Coordination

for DIRECTOR GENERAL