

Information Circular

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Communication dated 10 September 2008 received from the Permanent Mission of Germany to the Agency regarding a "Statement on Civil Nuclear Cooperation with India"

The Agency has received a communication dated 10 September 2008 from the Permanent Mission of Germany, forwarding a letter from the Chairman of the Nuclear Suppliers Group (NSG) to the Director General attached to which was a "Statement on Civil Nuclear Cooperation with India" adopted by the NSG.

As requested in the communication, the attachment is herewith circulated for information.

Statement on Civil Nuclear Cooperation with India

1. At the Extraordinary Plenary Meeting on 6 September 2008, the Participating Governments of the Nuclear Suppliers Group decided that they:
 - a. Desire to contribute to the effectiveness and integrity of the global non-proliferation regime, and to the widest possible implementation of the provisions and objectives of the Treaty on the Non-Proliferation of Nuclear Weapons;
 - b. Seek to avert the further spread of nuclear weapons;
 - c. Wish to pursue mechanisms to affect positively the nonproliferation commitments and actions of all states;
 - d. Seek to promote fundamental principles of safeguards and export controls for nuclear transfers for peaceful purposes; and
 - e. Note the energy needs of India.

2. Participating Governments have taken note of steps that India has voluntarily taken with respect to the following commitments and actions:
 - a. Deciding to separate civilian nuclear facilities in a phased manner and to file a declaration regarding its civilian nuclear facilities with the IAEA, in accordance with its Separation Plan (circulated as INFCIRC/731);
 - b. Concluding negotiations with the IAEA and obtaining approval by the Board of Governors on 1 August 2008 for an "Agreement between the Government of India and the IAEA for the Application of Safeguards to Civilian Nuclear Facilities," in accordance with IAEA standards, principles, and practices (including IAEA Board of Governors Document GOV/1621);
 - c. Committing to sign and adhere to an Additional Protocol with respect to India's civil nuclear facilities;
 - d. Refraining from transfer of enrichment and reprocessing technologies to states that do not have them and supporting international efforts to limit their spread;
 - e. Instituting a national export control system capable of effectively controlling transfers of multilaterally controlled nuclear and nuclear-related material, equipment and technology;
 - f. Harmonizing its export control lists and guidelines with those of the Nuclear Suppliers Group and committing to adhere to the Nuclear Suppliers Group Guidelines; and
 - g. Continuing its unilateral moratorium on nuclear testing, and its readiness to work with others towards the conclusion of a multilateral Fissile Material Cutoff Treaty.

3. Based on the commitments and actions mentioned above, as reiterated by India on September 5, 2008, and without prejudice to national positions thereon.

Participating Governments have adopted and will implement the following policy on civil nuclear cooperation by Participating Governments with the IAEA-safeguarded Indian civil nuclear program:

- a. Notwithstanding paragraphs 4(a), 4 (b) and 4 (c) of INFCIRC/254/Rev.9/Part 1, Participating Governments may transfer trigger list items and/or related technology to India for peaceful purposes and for use in IAEA safeguarded civil nuclear facilities, provided that the transfer satisfies all other provisions of INFCIRC/254/Part 1, as revised, and provided that transfers of sensitive exports remain subject to paragraphs 6 and 7 of the Guidelines.
 - b. Notwithstanding paragraphs 4(a) and 4(b) of INFCIRC/254/Rev.7/Part 2, Participating Governments may transfer nuclear-related dual-use equipment, materials, software, and related technology to India for peaceful purposes and for use in IAEA safeguarded civil nuclear facilities, provided that the transfer satisfies all other provisions of INFCIRC/254/Part 2, as revised.
 - c. At each Plenary, Participating Governments shall notify each other of approved transfers to India of Annex A and B items listed in INFCIRC/254/Part 1, as revised. Participating Governments are also invited to exchange information, including about their own bilateral agreements with India.
 - d. With a view to intensification of dialogue and cooperation with India, the Chairman is requested to confer and consult with India and keep the Plenary informed of these consultations.
 - e. Participating Governments will maintain contact and consult through regular channels, including the Consultative Group and Plenary, for the purpose of considering matters connected with the implementation of all aspects of this Statement taking into account relevant international commitments or bilateral agreements with India. In the event that one or more Participating Governments consider that circumstances have arisen which require consultations, Participating Governments will meet, and then act in accordance with paragraph 16 of the Guidelines.
4. In order to facilitate India's adherence to INFCIRC/254/Parts 1 and 2 and to remain current in its implementation of the Guidelines, the NSG Chair is requested to consult with India regarding changes to and implementation of the Guidelines and inform the Plenary of the outcome of the dialogue with India. Consultations with India regarding proposed amendments will facilitate their effective implementation by India.
 5. Upon request by Participating Governments, the Chairman is requested to submit this Statement to the IAEA Director General with a request that it be circulated to all Member States.
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