



International Atomic Energy Agency

INFORMATION CIRCULAR

INF

INFCIRC/165/Mod.1
8 December 1975

GENERAL Distr.
Original: ENGLISH

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

Protocol of Suspension

1. The text [1] of the Protocol of 14 April 1975 suspending the Safeguards Transfer Agreement of 1 March 1972 between the Agency, Sweden and the United States of America [2] is reproduced in this document for the information of all Members.
2. The Protocol entered into force on 6 May 1975, pursuant to Section 4 thereof.

[1] The footnotes to the text have been added in the present information circular.

[2] Reproduced in document INFCIRC/165.

PROTOCOL OF 14 APRIL 1975 SUSPENDING THE AGREEMENT OF 1 MARCH 1972
 BETWEEN THE INTERNATIONAL ATOMIC ENERGY AGENCY, THE
 GOVERNMENT OF SWEDEN AND THE GOVERNMENT OF THE UNITED STATES
 OF AMERICA FOR THE APPLICATION OF SAFEGUARDS AND PROVIDING FOR
 THE APPLICATION OF SAFEGUARDS PURSUANT TO THE
 NON-PROLIFERATION TREATY

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

RECOGNIZING that the Agency has been applying safeguards in accordance with the provisions of the Agreement between the International Atomic Energy Agency, the Government of Sweden, and the Government of the United States of America for the Application of Safeguards signed on 1 March 1972 (hereinafter referred to as the "Safeguards Transfer Agreement") [2] to materials, equipment and facilities required to be safeguarded under the Agreement for Co-operation between the Government of the United States of America and the Government of Sweden concerning Civil Uses of Atomic Energy signed on 28 July 1966 [3], as amended [4] (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 Sweden, as a non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons (hereinafter referred to as the "Treaty") [5], has concluded with the Agency an Agreement for the Application of Safeguards (hereinafter referred to as the "Treaty Safeguards Agreement") [6] pursuant to paragraph 1 of Article III of the Treaty;

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 IX of the Agreement for Co-operation the Government of Sweden guaranteed that no material including equipment and devices transferred to the Government of Sweden or authorized persons under its jurisdiction from the United States of America pursuant to the Agreement for Co-operation and no special nuclear material produced through the use of such material, equipment or devices will be used for any military purpose;

HAVE AGREED:

1. The Treaty Safeguards Agreement shall be applied as therein provided, and the Safeguards Transfer Agreement shall be deemed to be suspended during the time the Treaty Safeguards Agreement is in force and safeguards specified in the Treaty Safeguards Agreement are being applied by the Agency.
2. In the event that the Government of Sweden intends to exercise its discretion in accordance with Article 14 of the Treaty Safeguards Agreement to use any nuclear material required to be safeguarded under that Agreement in a military activity not proscribed by the

[3] United Nations Treaty Series, Vol. 603, No. 8725.

[4] The amending agreement of 22 October 1970 is reproduced in United States Treaties and Other International Agreements, Vol. 21, under number TIAS 7000.

[5] Reproduced in document INFCIRC/140.

[6] Reproduced in document INFCIRC/234.

Treaty, the Government of Sweden will satisfy the Agency and the Government of the United States of America that such material is not subject to the guarantees made to the Government of the United States of America by the Government of Sweden in Article IX of the Agreement for Co-operation, and that no materials, equipment of facilities transferred from the United States of America to Sweden under the Agreement for Co-operation are involved in such use.

3. The Government of the United States of America and the Government of Sweden agree that the Treaty Safeguards Agreement constitutes an agreement of the kind referred to in paragraph B of Article XI of the Agreement for Co-operation, and that the safeguards rights accorded to the Government of the United States by Article X of the Agreement for Co-operation are deemed to be suspended during the time and to the extent that the Treaty Safeguards Agreement is in force and the 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 the Government of Sweden and the Government of the United States of America and shall enter into force on the date on which the Agency receives from the Government of Sweden written notification that its constitutional requirements for entry into force of the Treaty Safeguards Agreement and of this Protocol have been met.

DONE in Vienna, this 14th day of April 1975, in triplicate, in the English language.

For the INTERNATIONAL ATOMIC ENERGY AGENCY:

(signed) Sigvard Eklund

For the GOVERNMENT OF SWEDEN:

(signed) Lennart Petri

For the GOVERNMENT OF THE UNITED STATES OF AMERICA:

(signed) Dwight J. Porter