



Treaty Series No. 1 (1983)

Exchange of Notes

between the Government of the
United Kingdom of Great Britain and Northern Ireland
and the Government of Spain
concerning the Safeguards and Assurances
relating to a Transfer of Nuclear
Material from the United Kingdom
to Spain

Madrid, 20 April, 12 July and 14 September 1982

[The Agreement entered into force on 12 July 1982]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
January 1983*

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**EXCHANGE OF NOTES
BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF
GREAT BRITAIN AND NORTHERN IRELAND AND THE
GOVERNMENT OF SPAIN CONCERNING THE SAFEGUARDS
AND ASSURANCES RELATING TO A TRANSFER OF NUCLEAR
MATERIAL FROM THE UNITED KINGDOM TO SPAIN**

No. 1

*Her Majesty's Ambassador at Madrid to the Minister for Foreign Affairs
of Spain*

*British Embassy
Madrid
20 April 1982*

Your Excellency,

I have the honour to refer to International Atomic Energy Agency (IAEA) document INFCIRC/254 dated February 1978⁽¹⁾, a copy of which is attached, and to state that the Government of the United Kingdom of Great Britain and Northern Ireland have decided to base their nuclear export policies on this document.

So that the United Kingdom Government may give effect to the Guidelines set out in the Appendix to that document (and hereinafter referred to as "the Guidelines"), I have the honour to propose that the Government of Spain shall, in respect of the proposed transfer of 2000 kilograms of depleted uranium oxide powder from the United Kingdom to Spain, comply with the following conditions:—

- (a) that, in compliance with paragraphs 1 and 2 of the Guidelines, the material shall be used only for peaceful purposes and shall not be used in any way which would result in any nuclear explosive device;
- (b) that, in compliance with paragraph 3 of the Guidelines, this shipment of nuclear material shall be placed under effective physical protection in accordance with the protection characteristics set out in Annex B to the Guidelines, the implementation of those measures of physical protection being the responsibility of the Government of Spain;
- (c) that, in compliance with paragraph 4 of the Guidelines, IAEA safeguards shall apply to this shipment of nuclear material and to any nuclear material derived from it;
- (d) that, in compliance with paragraph 10 of the Guidelines, the Government of Spain shall not retransfer this shipment of nuclear material, or transfer any items identified in the agreed Trigger List in Part A of the Annex to IAEA document INFCIRC/254, that may be derived from the material, unless the recipient of the retransfer or

(1) Not reproduced.

transfer shall first have provided the Government of Spain with the same assurances as those required by the United Kingdom for the transfer of this shipment.

The principle of the implementation of safeguards for the material which it is proposed to transfer from the United Kingdom to Spain having been accepted, and in order that this implementation may be effective, the Government of the United Kingdom shall notify officially to the Government of Spain the execution of the transfer, providing the relevant information as to the quantity and form of the material, date of despatch and consignee.

If the foregoing proposals are acceptable to the Government of Spain I have the honour to propose that this Note, together with your reply in that sense, shall constitute an Agreement between our two Governments which shall enter into force on the date of Your Excellency's reply.

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration.

RICHARD PARSONS

*The Minister for Foreign Affairs of Spain to Her Majesty's Ambassador
at Madrid*

*El Ministro de Asuntos Exteriores
Madrid*

12 de Julio de 1.982

Excelencia :

Tengo el honor de referirme a su Nota de 20 de Abril de 1.982, sobre el documento INF/CIRC/254, de febrero de 1.978 del Organismo Internacional de Energía Atómica (OIEA), y la decisión del Gobierno del Reino Unido de Gran Bretaña e Irlanda del Norte de basar su política de exportación nuclear en el citado documento.

A fin de que el Gobierno del Reino Unido pueda poner en efecto los principios expuestos en el Apéndice de dicho documento (y que en el presente texto se describen en adelante como "los Principios"), tengo el honor de comunicar a V.E. que el Gobierno de España acepta, en lo que respecta a la proyectada transferencia de 2.000 Kg. de polvo de óxido de uranio empobrecido del Reino Unido a España, cumplir con las siguientes condiciones :

- a) que, de conformidad con los párrafos 1 y 2 de los Principios, el material será utilizado sólo para fines pacíficos y no será utilizado de forma alguna que dé por resultado ningún dispositivo nuclear explosivo;
- b) que, de conformidad con el párrafo 3 de los Principios, este envío de material nuclear será colocado bajo protección física efectiva de acuerdo con las características expuestas en el Anexo B de los Principios, siendo responsabilidad del Gobierno de España la aplicación de dichas medidas de protección física;
- c) que, de conformidad con el párrafo 4 de los Principios, las salvaguardias del OIEA serán de aplicación a este envío de material nuclear y a cualquier material nuclear derivado del mismo;
- d) que, de conformidad con el párrafo 10 de los Principios, el Gobierno de España no retransferirá este envío de material nuclear, o transferirá cualquier elemento identificado en la Lista de Referencia acordada en la Parte A del Anexo al documento INFCIRC/254, que pueda derivarse del material, salvo que el receptor de la retransferencia o transferencia haya proporcionado en primer lugar al Gobierno de España las mismas garantías que las requeridas por el Reino Unido para la transferencia de este envío.

Acceptado el principio de aplicación de salvaguardias a dicho material que se proyecta transferir del Reino Unido a España, y para que sea efectiva dicha aplicación, el Gobierno del Reino Unido notificará oficialmente al Gobierno de España la realización de dicha transferencia con los datos pertinentes sobre cantidad y forma de material, fecha de envío y destinatario.

Si las propuestas indicadas anteriormente son aceptables para el Gobierno del Reino Unido de Gran Bretaña e Irlanda del Norte tengo el honor de sugerir que la Nota de V.E. de 20 de Abril de 1.982 y esta respuesta sean consideradas como constituyentes de un Acuerdo entre nuestros dos Gobiernos, el cual entrará en vigor con esta fecha.

Aprovecho esta oportunidad para reiterar a V.E. el testimonio de mi más alta consideración.

J P PÉREZ-LLORCA

Ministry of Foreign Affairs

Madrid

12 July 1982

Your Excellency,

I have the honour to refer to Your Excellency's Note of 20 April 1982 concerning International Atomic Energy Agency (IAEA) document INFCIRC/254 dated February 1978, and to the decision of the Government of the United Kingdom of Great Britain and Northern Ireland to base their nuclear export policies on this document.

So that the United Kingdom Government may give effect to the Guidelines set out in the Appendix to that document (and hereinafter referred to as "the Guidelines"), I have the honour to communicate to Your Excellency that the Government of Spain accepts, in respect of the proposed transfer of 2000 kilograms of depleted uranium oxide powder from the United Kingdom to Spain, to comply with the following conditions:—

- (a) that, in compliance with paragraphs 1 and 2 of the Guidelines, the material shall be used only for peaceful purposes and shall not be used in any way which would result in any nuclear explosive device;
- (b) that, in compliance with paragraph 3 of the Guidelines, this shipment of nuclear material shall be placed under effective physical protection in accordance with the protection characteristics set out in Annex B to the Guidelines, the implementation of those measures of physical protection being the responsibility of the Government of Spain;
- (c) that, in compliance with paragraph 4 of the Guidelines, IAEA safeguards shall apply to this shipment of nuclear material and to any nuclear material derived from it;
- (d) that, in compliance with paragraph 10 of the Guidelines, the Government of Spain shall not retransfer this shipment of nuclear material, or transfer any items identified in the agreed Trigger List in Part A of the Annex to IAEA document INFCIRC/254, that may be derived from the material, unless the recipient of the retransfer or transfer shall first have provided the Government of Spain with the same assurances as those required by the United Kingdom for the transfer of this shipment.

The principle of the implementation of safeguards for the material which it is proposed to transfer from the United Kingdom to Spain having been accepted, and in order that this implementation may be effective, the Government of the United Kingdom shall notify officially to the Government of Spain the execution of the transfer, providing the relevant information as to the quantity and form of the material, date of despatch and consignee.

If the foregoing proposals are acceptable to the Government of the United Kingdom of Great Britain and Northern Ireland I have the honour to propose that Your Excellency's Note of 20 April 1982 and this reply be considered as constituting an Agreement between our two Governments which shall enter into force on today's date.

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration.

J P PÉREZ-LLORCA

No. 3

*Her Majesty's Ambassador at Madrid to the Minister for Foreign Affairs
of Spain*

*British Embassy
Madrid*

14 September 1982

Your Excellency,

I have the honour to refer to Your Excellency's Note of 12 July 1982 concerning the transfer of 2,000 kilograms of depleted uranium oxide powder from the United Kingdom to Spain and to confirm that, by virtue of my Note of 20 April 1982, the proposals referred to in Your Excellency's Note of 12 July are acceptable to the Government of the United Kingdom of Great Britain and Northern Ireland and that the Agreement constituted by those two Notes entered into force on 12 July 1982.

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration.

RICHARD PARSONS