



Treaty Series No. 63 (1993)

Exchange of Notes

between the Government of the
United Kingdom of Great Britain and Northern Ireland
and the Swiss Federal Council

concerning the Proposed Export of Mixed Oxide PWR
Fuel Assemblies to the Nordostschweizerische Kraftwerke AG
for the Purpose of Electricity Generation

Berne, 13 July and 20 July 1993

[The Agreement entered into force on 20 July 1993]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
October 1993*

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**EXCHANGE OF NOTES
BETWEEN THE GOVERNMENT OF THE
UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND
AND THE SWISS FEDERAL COUNCIL CONCERNING THE PROPOSED
EXPORT OF MIXED OXIDE PWR FUEL ASSEMBLIES TO THE
NORDOSTSCHWEIZERISCHE KRAFTWERKE AG FOR THE
PURPOSE OF ELECTRICITY GENERATION**

No. 1

*The British Chargé d'Affaires at Berne to the Federal Councillor of the
Swiss Federal Council*

*British Embassy
Berne*

13 July 1993

Your Excellency,

I have the honour to refer to the proposed export by British Nuclear Fuels PLC to the Nordostschweizerische Kraftwerke AG in Switzerland of twenty-eight mixed oxide PWR fuel assemblies containing a total of 664.20 kgs of PuO₂ for the purpose of electricity generation.

In this connection I have the further honour to refer to International Atomic Energy Agency (IAEA) document INFCIRC/254 and to state that the Government of the United Kingdom of Great Britain and Northern Ireland (hereinafter referred to as "The United Kingdom Government") base their nuclear export policies on this document.

So that the United Kingdom Government implement the guidelines set out in the appendix to that document (hereinafter referred to as "the guidelines"), I have the honour to propose that the Government of Switzerland shall, in respect of the material described above, comply with the following conditions:

- (a) In accordance with paragraphs 1 and 2 of the guidelines the material and any material derived from it shall be used only for peaceful purposes and shall not be used in any way which would result in any nuclear explosive device.
- (b) In accordance with paragraph 3 of the guidelines the 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 Switzerland.
- (c) In accordance with paragraph 4 of the guidelines, IAEA safeguards shall apply to the material and any material derived from it.
- (d) In accordance with paragraph 10 of the guidelines the Government of Switzerland shall not retransfer the material or transfer any materials which may be derived from it and which are identified in the trigger list Annex A to the guidelines to any third party unless the recipient of the retransfer or transfer shall first have provided the Government of Switzerland with the same assurances as those required by the United Kingdom Government for the transfer of this material and the Government of Switzerland is satisfied as to the bona fides of such third party.

The principle of the implementation of safeguards for the material which it is proposed to export from the United Kingdom to Switzerland having been accepted, and in order that this implementation may be effective, the United Kingdom Government shall confirm officially to the Government of Switzerland 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 Switzerland I have the honour to propose that this Note and 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.

COLIN BRIGHT

No. 2

*The Federal Department of Foreign Affairs of the Swiss Federal Council to the
British Chargé d'Affaires at Berne*

*Berne
20 July 1993*

Dear Mr. Bright,

I have the honour to refer to Your letter of 13 July 1993, addressed to Mr. Flavio Cotti, Federal Councillor, Head of the Federal Department of Foreign Affairs, which reads as follows:

[As in No. 1]

I have the honour to confirm that the foregoing proposals are acceptable to the Swiss Federal Council and that Your letter and this reply shall constitute an Agreement between our two Governments in this matter which shall enter into force on today's date.

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

M v GRÜNIGEN

